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1
       IN THE UNITED STATES DISTRICT COURT
2
        FOR THE NORTHERN DISTRICT OF OHIO
3
                EASTERN DIVISION
4
5
     IN RE: NATIONAL
                             : HON. DAN A.
6
     PRESCRIPTION OPIATE
                             :
                               POLSTER
     LITIGATION
7
                             : NO.
     APPLIES TO ALL CASES
8
                             : 1:17-MD-2804
9
            - HIGHLY CONFIDENTIAL -
10
    SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
11
12
                  April 2, 2019
13
14
15
                 Videotaped deposition of
    SERGIO TEJEDA taken pursuant to notice,
    was held at the offices of Locke Lord,
16
    LLP, 200 Vesey Street, New York, New
    York, beginning at 9:01 a.m., on the
17
    above date, before Michelle L. Gray, a
18
    Registered Professional Reporter,
    Certified Shorthand Reporter, Certified
19
    Realtime Reporter, and Notary Public.
20
21
           GOLKOW LITIGATION SERVICES
22
          877.370.3377 ph 917.591.5672
                 deps@golkow.com
23
2.4
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Page 2	Page 4
1 APPEARANCES:	1
	$\begin{bmatrix} 2 \\ 2 \end{bmatrix}$ INDEX
³ BY: DONALD A. MIGLIORI, ESQ.	3
4 28 Bridgeside Blyd.	Testimony of:
Mount Pleasant, South Carolina 29464 5 (843) 216-9000	SERGIO TEJEDA
dmigliori@motleyrice.com	SERGIO IEJEDA
MOTLEY RICE, LLC BY: DONALD A. MIGLIORI, ESQ. JOHN C. DUANE, ESQ. 28 Bridgeside Blyd. Mount Pleasant, South Carolina 29464 (843) 216-9000 dmigliori@motleyrice.com iduane@motleyrice.com Representing the Plaintiffs	⁷ By Mr. Migliori 11
8 LOCKELORD, LLP	9
9 2200 Ross Avenue	10
B LOCKE LORD, LLP BY: JOHN P. McDONALD, ESQ. 2200 Ross Avenue Suite 2800 Dallas, Texas, 75201 (214) 740,8758 ipmcdonald@lockelord.com Representing Henry Schein, Inc. and the Witness	
(214) 740.8758	12
Representing Henry Schein, Inc. and the	EXHIBITS
12 Witness	
WILLIAMS & CONNOLLY LLP BY: KATELYN ADAMS, ESQ. 725 12th Street, NW Washington, D.C. 20005 (202) 434-5148 Kadams@wc.com Representing the Defendant, Cardinal Health	14
725 12th Street, NW 15 Washington D.C. 20005	15 NO. DESCRIPTION PAGE 16 Henry Schein
(202) 434-5148 16 Kadams@wc.com	Tejeda-1 Notice of Deposition 30
Representing the Defendant, Cardinal	17 July 18 Henry Schein
17 Health	Teieda-2 Resumé of Sergio 31
COVINGTON & BURLING, LLP 19 RY: MEGAN A CROWLEY ESO	Tejeda
850 Tenth Street, NW, Suite 586N	20 Henry Schein Tejeda-3 Henry Schein 48
(202) 662-5516	Appoints New Director
21 mcrowley@cov.com Representing the Defendant, McKesson	Of Compliance
COVINGTON & BURLING, LLP BY: MEGAN A. CROWLEY, ESQ. 850 Tenth Street, NW. Suite 586N Washington, D.C. 20001 (202) 662-5516 mcrowley@cov.com Representing the Defendant, McKesson Corporation	23
24	24
Page 3	Page 5
1 APPEARANCES: (Cont'd.)	$\begin{bmatrix} \frac{1}{2} \\ EXHIBITS \text{ (Cont'd.)} \end{bmatrix}$
³ MARCUS & SHAPIRA, LLP	3 (Cont d.)
BY: JOSHUA A. KOBRIN, ESQ. One Oxford Centre, 35th Floor	⁵ NO. DESCRIPTION PAGE
Pittsburgh, Pennsylvania 15219 5 (412) 338-3990	6 Henry Schein Tejeda-4 PDMA Record 75
kobrin@marcus-shapira.com	Retention Policy
6 Representing the Defendant, HBC	1/30/02 8 HSI-MDL-00092255-70
Service Company	Teieda-5 Due Diligence 116
TELEPHONIC/STREAMING APPEARANCES:	Documents Schein Summit
9	111 County Customers
10 JACKSON KELLY, PLLC BY: SYLVIA WINSTON NICHOLS, ESQ.	Opioid Orders 2001-2008
11 150 Clay Street, Suite 500	HSI-MDL-00648726
Morgantown, WV 26501 12 (304) 284-4138	Henry Schein Tejeda-6 Customer Service 125
Svlvia.winston@jacksonkelly.com	
13 Representing the Defendant, AmerisourceBergen	HST-MDL-00000983-84
14 15	Henry Schein
16 VIDEOTAPE TECHNICIAN:	Tejeda-7 Due Diligence 142
David Lane	Documents Schein Summit County
	Customers Opioid Post January 2009
18	Opioid Post January 2009
ALSO PRESENT:	Opioid Post January 2009 HSI-MDL-00648726
ALSO PRESENT: Marjorie Han, Esq.	Henry Schein
ALSO PRESENT:	HSI-MDL-00648726 Henry Schein Tejeda-8 Customer Service 149
ALSO PRESENT: Marjorie Han, Esq. (Henry Schein, Inc.)	HSI-MDL-00648726 Henry Schein Tejeda-8 Customer Service 149 Imaging Heim, Brian HSI-MDL-00001198-210
ALSO PRESENT: Marjorie Han, Esq. (Henry Schein, Inc.)	HSI-MDL-00648726 Henry Schein Tejeda-8 Customer Service 149

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8 HSI-MDL-00397293-94 9 Henry Schein Tejeda-10 E-mail Thread 180	Subject, December 8 Audit Basis
$+10^{-2}$ $-7/11/12$	HSI-MDL-00622264-67
Subject, Brian Heim HSI-MDL-00648727 Henry Schein Tejeda-11 DEA/Prof Licence 186 Maintenance HSI-MDL-00648813	Henry Schein Tejeda-21 Projects - Tejeda 315 Slide
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18 Henry Schein Tejeda-13 E-mail, 8/6/13 223 Subject, Need 3 Embers HSI-MDL-00552881-83	15 16 17
20 HSI-MDL-00552881-83 21 Henry Schein Tejeda-14 Individual 228	18 19 20
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Tina Steffanie-Oak (No Bates)	23 24
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EXHIBITS (Cont'd.) NO. DESCRIPTION PAGE Henry Schein Tejeda-15 Cegedim Draft 230 Schein SOM Procedural Review 21 CFR 1301.74(b) HSI-MDL-00404369-73 Henry Schein Tejeda-16 E-mail, 3/5/11 242 Subject, Draft DEA Presentation HSI-MDL-00007351-52 Henry Schein Tejeda-17 Due-Diligence 250 Documents Schein Summit County Customers Canceled Orders HSI-MDL-00648726	DEPOSITION SUPPORT INDEX DEPOSITION SUPPORT INDEX Direction to Witness Not to Answer PAGE LINE None. Request for Production of Documents PAGE LINE None. Stipulations PAGE LINE None. LINE None. Questions Marked PAGE LINE None.
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EXHIBITS (Cont'd.) NO. DESCRIPTION PAGE Henry Schein Tejeda-15 Cegedim Draft Schein SOM Procedural Review 21 CFR 1301.74(b) HSI-MDL-00404369-73 Henry Schein Tejeda-16 E-mail, 3/5/11 242 Subject, Draft DEA Presentation HSI-MDL-00007351-52 Henry Schein Tejeda-17 Due-Diligence 250 Documents Schein Summit County Customers Canceled Orders HSI-MDL-00648726 Henry Schein Tejeda-18 E-mail Thread 261 2/6/08 Subject, HDMA Meeting HSI-MDL-00376363-64 Henry Schein Tejeda-19 HDMA Industry 279	DEPOSITION SUPPORT INDEX DEPOSITION SUPPORT INDEX Direction to Witness Not to Answer PAGE LINE None. Request for Production of Documents PAGE LINE None. Stipulations PAGE LINE None. Questions Marked PAGE LINE None. None.

	D 10		D 10
1	Page 10	1	Page 12
2			question to be complete before you
3	THE VIDEOGRAPHER: We're now	2	answer. Also, to give a little bit of
	on the record. My name is David	3	time so that your counser can make an
4	Lane, videographer for Golkow	5	objection, if necessary.
5	Litigation Services.	l .	I'll ask that also your
6	Today's date is April 2nd,	6	answers be verbal; that is, gestures, or
7	2019. Our time is 9:01 a.m.	7	sounds are hard to type, so if you can
8	This deposition is taking	8	say "yes" or "no" as appropriate, I'd
9	place in New York, New York, in	9	appreciate it. And if you have any
10	the matter of National	10	questions or want to take a break, just
11	Prescription Opiate Litigation.		let me know and we'll do so.
12	Our deponent today is Sergio	12	Do you have any questions
13	Tejeda.		before we get started?
14	Counsel will be noted on the	14	A. No.
15	stenographic record.	15	Q. Okay. If you answer my
16	Our court reporter today is	16	question, I'm going to assume that you've
17	Michelle Gray and will now swear	17	understood it. Is that understandable?
18	in our witness.	18	A. Yes, it is.
19		19	Q. Okay. Could you tell the
20	SERGIO TEJEDA, having		jury your name and your address?
21	been first duly sworn, was	21	A. My name is Sergio Tejeda.
22	examined and testified as follows:		My address is 93 Edgewood Road, Port
23			Washington, New York 11050.
24	THE VIDEOGRAPHER: Please	24	Q. I'm going to ask you to keep
	Page 11		Page 13
1	begin.	1	your voice up too. We're both
2		2	struggling. Just so the court reporter
3	EXAMINATION	1	can hear you. Okay?
4		4	A. Okay.
	BY MR. MIGLIORI:	5	Q. What's your current position
6	Q. Good morning.		and employer?
7	A. Good morning.	7	A. I'm the director of
8	Q. My name is Don Migliori. I		regulatory affairs for Henry Schein
	represent some of the plaintiffs in this	1	Incorporated.
	litigation, and I'll be asking you some	10	Q. And how long have you held
	questions this morning.	1	that position?
12	My voice is a little weak	12	A. About four years with the
	•	1	
	today. If you can't understand my	13	same title.
14	question or can't hear it, I'll ask you	14	Q. Going back to 2015?
14 15	question or can't hear it, I'll ask you to let me know. Okay?	14 15	Q. Going back to 2015?A. Yes.
14 15 16	question or can't hear it, I'll ask you to let me know. Okay? A. Okay.	14 15 16	Q. Going back to 2015?A. Yes.Q. And what was the title
14 15 16 17	question or can't hear it, I'll ask you to let me know. Okay? A. Okay. Q. Have you ever had your	14 15 16 17	Q. Going back to 2015?A. Yes.Q. And what was the title before that?
14 15 16 17 18	question or can't hear it, I'll ask you to let me know. Okay? A. Okay. Q. Have you ever had your deposition taken before?	14 15 16 17 18	Q. Going back to 2015?A. Yes.Q. And what was the titlebefore that?A. Director of regulatory for
14 15 16 17 18 19	question or can't hear it, I'll ask you to let me know. Okay? A. Okay. Q. Have you ever had your deposition taken before? A. No.	14 15 16 17 18 19	 Q. Going back to 2015? A. Yes. Q. And what was the title before that? A. Director of regulatory for North America.
14 15 16 17 18 19 20	question or can't hear it, I'll ask you to let me know. Okay? A. Okay. Q. Have you ever had your deposition taken before? A. No. Q. So I'll be asking you some	14 15 16 17 18 19 20	 Q. Going back to 2015? A. Yes. Q. And what was the title before that? A. Director of regulatory for North America. Q. How long did you hold that
14 15 16 17 18 19 20 21 1	question or can't hear it, I'll ask you to let me know. Okay? A. Okay. Q. Have you ever had your deposition taken before? A. No. Q. So I'll be asking you some questions. The court reporter will be	14 15 16 17 18 19 20 21	Q. Going back to 2015? A. Yes. Q. And what was the title before that? A. Director of regulatory for North America. Q. How long did you hold that title?
14 15 16 17 18 19 20 21 122 1	question or can't hear it, I'll ask you to let me know. Okay? A. Okay. Q. Have you ever had your deposition taken before? A. No. Q. So I'll be asking you some questions. The court reporter will be taking down your answers.	14 15 16 17 18 19 20 21 22	Q. Going back to 2015? A. Yes. Q. And what was the title before that? A. Director of regulatory for North America. Q. How long did you hold that title? A. About three years.
14 15 16 17 18 19 20 21 1	question or can't hear it, I'll ask you to let me know. Okay? A. Okay. Q. Have you ever had your deposition taken before? A. No. Q. So I'll be asking you some questions. The court reporter will be	14 15 16 17 18 19 20 21	Q. Going back to 2015? A. Yes. Q. And what was the title before that? A. Director of regulatory for North America. Q. How long did you hold that title?

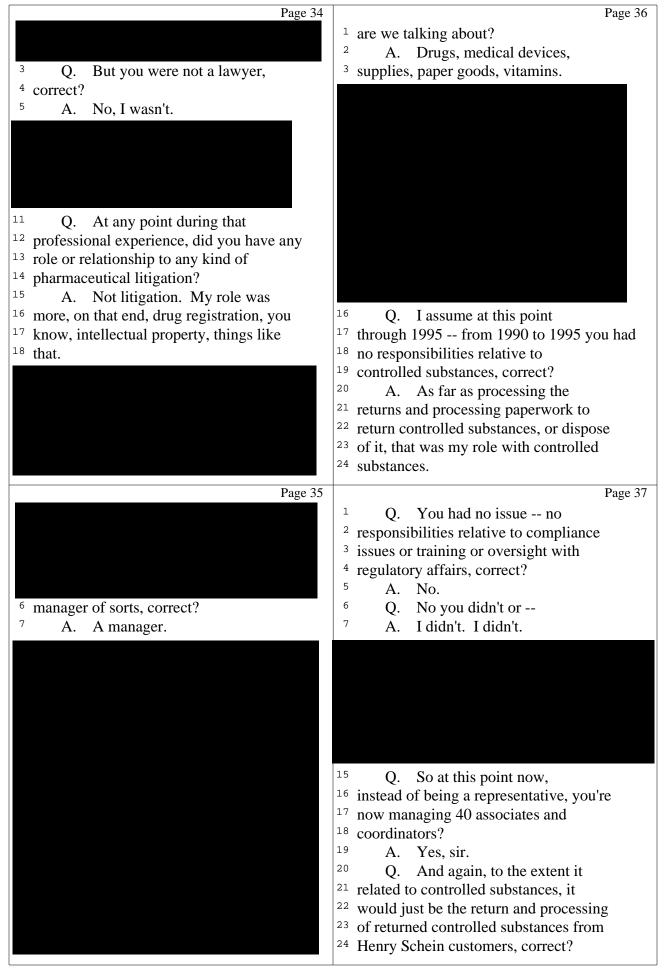
	igniy confidential - Subject t	_	
	Page 14		Page 16
1	Q. Okay. What, if anything,	1	A. They were provided by
2	was a change in your responsibilities	2	counsel.
3	between those two positions?	3	Q. Did you meet again with
4	A. I am focused on domestic	4	counsel in preparation for today?
5	compliance at this point.	5	A. Yes.
6	Q. Okay. We're going to get	6	Q. How many more times?
7	into some of the specifics of all of	7	A. Three.
8	that. Before we get started with that,	8	Q. And were those meetings also
	when did you first learn about this	9	here or were they in other places?
	deposition?	10	A. In Melville once, we had
11	A. When did I first learn?	11	teleconference once, and here once.
12	Sometime last year.	12	Q. When was the meeting in
13	Q. And did you meet with	13	Melville?
14	counsel in preparation for this	14	A. So I don't remember the
15	deposition?	15	exact date, sorry.
16	A. Yes.	16	Q. Was it the second meeting
17	Q. Do you recall the first time	17	-
18	that you met with counsel?	18	A. It was the second meeting,
19	A. I think it was late	19	yes.
20	February.	20	Q. Do you know how long that
21	Q. February?	21	meeting last lasted?
22	A. Late February.	22	A. About six, seven hours.
23	Q. And who did you meet with?	23	Q. Did you review documents at
24	A. I met with the local team		that meeting?
	71. I met with the local team		that meeting:
	Page 15		Page 17
1	Page 15 and our inhouse attorneys.	1	Page 17 A. Yes.
1 2	_	1 2	_
2	and our inhouse attorneys.	2	A. Yes.
3	and our inhouse attorneys. Q. Did you meet in Melville, or	2 3	A. Yes.Q. Were they documents that you
3	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet	3 4	A. Yes. Q. Were they documents that you had in Melville? That is, were they
2 3 4	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet here in the office?	3 4	A. Yes. Q. Were they documents that you had in Melville? That is, were they kept were you the did you bring
2 3 4 5	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet here in the office? A. First meeting was here.	2 3 4 5	A. Yes. Q. Were they documents that you had in Melville? That is, were they kept were you the did you bring those documents with you to the meeting?
2 3 4 5 6	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet here in the office? A. First meeting was here. Q. Do you recall how long you	2 3 4 5 6	A. Yes. Q. Were they documents that you had in Melville? That is, were they kept were you the did you bring those documents with you to the meeting? A. I brought some documents.
2 3 4 5 6 7	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet here in the office? A. First meeting was here. Q. Do you recall how long you met?	2 3 4 5 6	A. Yes. Q. Were they documents that you had in Melville? That is, were they kept were you the did you bring those documents with you to the meeting? A. I brought some documents. Q. And do you recall what kinds
2 3 4 5 6 7 8	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet here in the office? A. First meeting was here. Q. Do you recall how long you met? A. Maybe four hours.	2 3 4 5 6	A. Yes. Q. Were they documents that you had in Melville? That is, were they kept were you the did you bring those documents with you to the meeting? A. I brought some documents. Q. And do you recall what kinds of documents you brought with you,
2 3 4 5 6 7 8	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet here in the office? A. First meeting was here. Q. Do you recall how long you met? A. Maybe four hours. Q. Did you review documents at	2 3 4 5 6 7 8 9	A. Yes. Q. Were they documents that you had in Melville? That is, were they kept were you the did you bring those documents with you to the meeting? A. I brought some documents. Q. And do you recall what kinds of documents you brought with you, yourself, to the meeting?
2 3 4 5 6 7 8 9	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet here in the office? A. First meeting was here. Q. Do you recall how long you met? A. Maybe four hours. Q. Did you review documents at that time?	2 3 4 5 6 7 8 9	A. Yes. Q. Were they documents that you had in Melville? That is, were they kept were you the did you bring those documents with you to the meeting? A. I brought some documents. Q. And do you recall what kinds of documents you brought with you, yourself, to the meeting? A. Material that we had reviewed the first meeting.
2 3 4 5 6 7 8 9 10	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet here in the office? A. First meeting was here. Q. Do you recall how long you met? A. Maybe four hours. Q. Did you review documents at that time? A. Yeah, we reviewed some documents.	2 3 4 5 6 7 8 9 10	A. Yes. Q. Were they documents that you had in Melville? That is, were they kept were you the did you bring those documents with you to the meeting? A. I brought some documents. Q. And do you recall what kinds of documents you brought with you, yourself, to the meeting? A. Material that we had reviewed the first meeting. Q. Okay. Anything that you got
2 3 4 5 6 7 8 9 10 11 12 13	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet here in the office? A. First meeting was here. Q. Do you recall how long you met? A. Maybe four hours. Q. Did you review documents at that time? A. Yeah, we reviewed some documents.	2 3 4 5 6 7 8 9 10 11 12	A. Yes. Q. Were they documents that you had in Melville? That is, were they kept were you the did you bring those documents with you to the meeting? A. I brought some documents. Q. And do you recall what kinds of documents you brought with you, yourself, to the meeting? A. Material that we had reviewed the first meeting. Q. Okay. Anything that you got out of your own files that had not been
2 3 4 5 6 7 8 9 10 11 12 13	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet here in the office? A. First meeting was here. Q. Do you recall how long you met? A. Maybe four hours. Q. Did you review documents at that time? A. Yeah, we reviewed some documents. Q. Did you review any testimony	2 3 4 5 6 7 8 9 10 11 12 13	A. Yes. Q. Were they documents that you had in Melville? That is, were they kept were you the did you bring those documents with you to the meeting? A. I brought some documents. Q. And do you recall what kinds of documents you brought with you, yourself, to the meeting? A. Material that we had reviewed the first meeting. Q. Okay. Anything that you got
2 3 4 5 6 7 8 9 10 11 12 13	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet here in the office? A. First meeting was here. Q. Do you recall how long you met? A. Maybe four hours. Q. Did you review documents at that time? A. Yeah, we reviewed some documents. Q. Did you review any testimony of other witnesses in this case? A. No.	2 3 4 5 6 7 8 9 10 11 12 13	A. Yes. Q. Were they documents that you had in Melville? That is, were they kept were you the did you bring those documents with you to the meeting? A. I brought some documents. Q. And do you recall what kinds of documents you brought with you, yourself, to the meeting? A. Material that we had reviewed the first meeting. Q. Okay. Anything that you got out of your own files that had not been provided to you by counsel? A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet here in the office? A. First meeting was here. Q. Do you recall how long you met? A. Maybe four hours. Q. Did you review documents at that time? A. Yeah, we reviewed some documents. Q. Did you review any testimony of other witnesses in this case? A. No. Q. Have you ever reviewed any	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. Were they documents that you had in Melville? That is, were they kept were you the did you bring those documents with you to the meeting? A. I brought some documents. Q. And do you recall what kinds of documents you brought with you, yourself, to the meeting? A. Material that we had reviewed the first meeting. Q. Okay. Anything that you got out of your own files that had not been provided to you by counsel? A. No. Q. Were you asked to gather any
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet here in the office? A. First meeting was here. Q. Do you recall how long you met? A. Maybe four hours. Q. Did you review documents at that time? A. Yeah, we reviewed some documents. Q. Did you review any testimony of other witnesses in this case? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yes. Q. Were they documents that you had in Melville? That is, were they kept were you the did you bring those documents with you to the meeting? A. I brought some documents. Q. And do you recall what kinds of documents you brought with you, yourself, to the meeting? A. Material that we had reviewed the first meeting. Q. Okay. Anything that you got out of your own files that had not been provided to you by counsel? A. No. Q. Were you asked to gather any documents that weren't part of what the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	and our inhouse attorneys. Q. Did you meet in Melville, or did you meet at the or did you meet here in the office? A. First meeting was here. Q. Do you recall how long you met? A. Maybe four hours. Q. Did you review documents at that time? A. Yeah, we reviewed some documents. Q. Did you review any testimony of other witnesses in this case? A. No. Q. Have you ever reviewed any testimony of other witnesses in this case? A. No. Q. The documents that you reviewed in that first meeting, were they	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. Were they documents that you had in Melville? That is, were they kept were you the did you bring those documents with you to the meeting? A. I brought some documents. Q. And do you recall what kinds of documents you brought with you, yourself, to the meeting? A. Material that we had reviewed the first meeting. Q. Okay. Anything that you got out of your own files that had not been provided to you by counsel? A. No. Q. Were you asked to gather any documents that weren't part of what the counsel showed you? A. No. Q. Did you prepare at any point were you asked to set aside

	Page 18		Page 20
1	71. Do you mean prior to the	1	A. No.
2	preparation?	2	Q. Did you help produce any
3	Q. Yeah.	3	reports relevant to canceled orders?
4	A. Yes.	4	A. My team did.
5	Q. And did you provide all	5	Q. What is a canceled order?
6	those documents that you had in your	6	A. Canceled order is an order
7	control?	7	that has been placed and either the
8	A. Yeah.	8	customer or Henry Schein, somebody at
9	Q. Relative to this case?	9	Henry Schein has canceled.
10	A. Yes.	10	Q. Okay. When it's canceled by
11	Q. And since that initial	11	Henry Schein, what are their bases to
12	production, did you go back and get any	12	cancel an order?
	more documents or look for more	13	A. Many different types of
14	documents?	14	reasons.
15	A. I don't think so.	15	Q. Is there a canceled order
16	Q. Did you review any	16	for an order that's considered
17	transactional records of controlled	1	suspicious?
	substances for your testimony in this	18	A. So an order can be deemed
	case?	19	suspicious and can be canceled by the
20	A. Not for my testimony.		customer.
21	For as a matter of my the nature of	21	Q. Okay. My question is a
	my work, I do.		little more particular to these reports
23	Q. Okay. And I'm not talking		that you gathered. Did you prepare a
	about generally in the course of your own	1	canceled order report with the
			-
	Page 19		Page 21
	business. I'm asking relative to the	1	verifications team?
2	issues in this case, relative to Ohio or	2	A. No.
3	Summit County, Ohio. Did you review any	3	Q. Any other reports that you
4	transactional records in preparation for	4	or your team prepared for this
5	your testimony?	5	litigation, to your knowledge?
6	A. Not transactional records.	6	A Training Wa produced SOPs
7			A. Training. We produced SOPs.
	We produced some reports.	7	Q. What kind of training
8	We produced some reports. Q. Were you helpful in		
8 9	Q. Were you helpful in		Q. What kind of training
	Q. Were you helpful in	8 9	Q. What kind of training documents did you gather?
9	Q. Were you helpful in producing those reports? A. It was a collab an effort	8 9	Q. What kind of training documents did you gather? A. Training materials, some
9	Q. Were you helpful in producing those reports? A. It was a collab an effort	8 9 10 11	Q. What kind of training documents did you gather? A. Training materials, some training records.
9 10 11	Q. Were you helpful in producing those reports? A. It was a collab an effort between my team and the verifications	8 9 10 11 12	 Q. What kind of training documents did you gather? A. Training materials, some training records. Q. And describe the training
9 10 11 12	Q. Were you helpful in producing those reports? A. It was a collab an effort between my team and the verifications department. MR. McDONALD: He said	8 9 10 11 12 13	Q. What kind of training documents did you gather? A. Training materials, some training records. Q. And describe the training records in particular. Are they the actual manuals for training, are they
9 10 11 12 13	Q. Were you helpful in producing those reports? A. It was a collab an effort between my team and the verifications department. MR. McDONALD: He said collaborative effort.	8 9 10 11 12 13	 Q. What kind of training documents did you gather? A. Training materials, some training records. Q. And describe the training records in particular. Are they the
9 10 11 12 13 14	Q. Were you helpful in producing those reports? A. It was a collab an effort between my team and the verifications department. MR. McDONALD: He said	8 9 10 11 12 13 14	Q. What kind of training documents did you gather? A. Training materials, some training records. Q. And describe the training records in particular. Are they the actual manuals for training, are they scores or grades for success in training?
9 10 11 12 13 14 15	Q. Were you helpful in producing those reports? A. It was a collab an effort between my team and the verifications department. MR. McDONALD: He said collaborative effort. THE WITNESS: Sorry. BY MR. MIGLIORI:	8 9 10 11 12 13 14	Q. What kind of training documents did you gather? A. Training materials, some training records. Q. And describe the training records in particular. Are they the actual manuals for training, are they scores or grades for success in training? What kind of records did you pull together?
9 10 11 12 13 14 15	Q. Were you helpful in producing those reports? A. It was a collab an effort between my team and the verifications department. MR. McDONALD: He said collaborative effort. THE WITNESS: Sorry. BY MR. MIGLIORI: Q. Which reports did your team	8 9 10 11 12 13 14 15 16	Q. What kind of training documents did you gather? A. Training materials, some training records. Q. And describe the training records in particular. Are they the actual manuals for training, are they scores or grades for success in training? What kind of records did you pull together? A. May have been just pieces of
9 10 11 12 13 14 15 16 17	Q. Were you helpful in producing those reports? A. It was a collab an effort between my team and the verifications department. MR. McDONALD: He said collaborative effort. THE WITNESS: Sorry. BY MR. MIGLIORI: Q. Which reports did your team and the verifications team gather	8 9 10 11 12 13 14 15 16 17	Q. What kind of training documents did you gather? A. Training materials, some training records. Q. And describe the training records in particular. Are they the actual manuals for training, are they scores or grades for success in training? What kind of records did you pull together? A. May have been just pieces of PowerPoint presentations, or forms that
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9 10 11 12 13 14 15 16 17 18	Q. Were you helpful in producing those reports? A. It was a collab an effort between my team and the verifications department. MR. McDONALD: He said collaborative effort. THE WITNESS: Sorry. BY MR. MIGLIORI: Q. Which reports did your team and the verifications team gather together? A. Sales reports. Any due	8 9 10 11 12 13 14 15 16 17 18	Q. What kind of training documents did you gather? A. Training materials, some training records. Q. And describe the training records in particular. Are they the actual manuals for training, are they scores or grades for success in training? What kind of records did you pull together? A. May have been just pieces of PowerPoint presentations, or forms that they were completed after a training has completed. The employees record their
9 10 11 12 13 14 15 16 17 18 19 20	Q. Were you helpful in producing those reports? A. It was a collab an effort between my team and the verifications department. MR. McDONALD: He said collaborative effort. THE WITNESS: Sorry. BY MR. MIGLIORI: Q. Which reports did your team and the verifications team gather together? A. Sales reports. Any due diligence that we may have.	8 9 10 11 12 13 14 15 16 17 18	Q. What kind of training documents did you gather? A. Training materials, some training records. Q. And describe the training records in particular. Are they the actual manuals for training, are they scores or grades for success in training? What kind of records did you pull together? A. May have been just pieces of PowerPoint presentations, or forms that they were completed after a training has completed. The employees record their name and sign.
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9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Were you helpful in producing those reports? A. It was a collab an effort between my team and the verifications department. MR. McDONALD: He said collaborative effort. THE WITNESS: Sorry. BY MR. MIGLIORI: Q. Which reports did your team and the verifications team gather together? A. Sales reports. Any due diligence that we may have.	8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. What kind of training documents did you gather? A. Training materials, some training records. Q. And describe the training records in particular. Are they the actual manuals for training, are they scores or grades for success in training? What kind of records did you pull together? A. May have been just pieces of PowerPoint presentations, or forms that they were completed after a training has completed. The employees record their name and sign. Q. Were any of these employees

	Page 22		Page 24
1	_	1	_
- 1	verifications and/or regulatory.	1	litigation?
2	Q. Verifications and what?	2	A. Just on the matter that I
3	A. And/or regulatory.	1	was being deposed.
4	Q. All right. Do you know when	4	Q. Okay. You didn't talk about
5	the training records started, what years	5	the substance of his testimony?
6	they started from what you gathered?	6	A. No.
7	A. I don't remember.	7	Q. Did you talk to Tina let
8	Q. You said standard operating	8	me get this Tina Steffanie-Oak at any
9	procedures, were you pair or the	9	point about this litigation?
10		10	A. I haven't talked to Tina in
11	A. They were collected by		months.
	verifications, and some were collected by	12	Q. Okay. Have you talked to
	my team.	1	her since she left the company?
14	Q. Did you review those in	14	A. Yes.
	preparation for today at any point?	15	Q. Did you talk to her about
16	A. I remember looking at one or	1	this litigation?
	two.	17	A. Only when last year when
18	Q. Okay. Were the same people	18	we were talking about her being deposed.
19	at the Melville meeting that were at the	19	Q. Okay. And you haven't
20	initial meeting here at Locke Lord?	20	talked to her since her deposition about
21	A. No.	21	her testimony?
22	Q. Who else was there?	22	A. No, I haven't.
23	A. Somebody was missing, and I	23	Q. Okay. When you had your
24	apologize if I don't remember his name.	24	teleconference, did you continue to
	Page 23		Dage 25
	Fage 2.3	1	Page 2.3
1	_	1	Page 25
	I think it was somebody from the Locke	1	review documents in preparation for
2	I think it was somebody from the Locke Lord team.	1	review documents in preparation for today?
3	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak	3	review documents in preparation for today? A. Yes.
3 4	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony?	3 4	review documents in preparation for today? A. Yes. Q. Were there any new documents
2 3 4 5	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About?	3 4	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you?
3 4	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About? Q. About this litigation?	2 3 4 5	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you? A. I think so.
2 3 4 5 6 7	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About? Q. About this litigation? A. So about being deposed or	2 3 4 5 6 7	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you? A. I think so. Q. Any new testimony described
2 3 4 5 6 7 8	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About? Q. About this litigation? A. So about being deposed or the	2 3 4 5 6	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you? A. I think so. Q. Any new testimony described to you at any point?
2 3 4 5 6 7	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About? Q. About this litigation? A. So about being deposed or the Q. Any aspect of this	2 3 4 5 6 7 8	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you? A. I think so. Q. Any new testimony described to you at any point? A. No testimony.
2 3 4 5 6 7 8 9	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About? Q. About this litigation? A. So about being deposed or the Q. Any aspect of this A in particular from	2 3 4 5 6 7 8 9	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you? A. I think so. Q. Any new testimony described to you at any point? A. No testimony. Q. Were the same people
2 3 4 5 6 7 8 9 10	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About? Q. About this litigation? A. So about being deposed or the Q. Any aspect of this A in particular from Q. Any aspect of this	2 3 4 5 6 7 8 9 10	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you? A. I think so. Q. Any new testimony described to you at any point? A. No testimony. Q. Were the same people involved in that meeting?
2 3 4 5 6 7 8 9 10 11	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About? Q. About this litigation? A. So about being deposed or the Q. Any aspect of this A in particular from Q. Any aspect of this litigation?	2 3 4 5 6 7 8 9 10 11	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you? A. I think so. Q. Any new testimony described to you at any point? A. No testimony. Q. Were the same people involved in that meeting? A. It was yes.
2 3 4 5 6 7 8 9 10 11 12 13	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About? Q. About this litigation? A. So about being deposed or the Q. Any aspect of this A in particular from Q. Any aspect of this litigation? A. The only thing has been that	2 3 4 5 6 7 8 9 10 11 12 13	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you? A. I think so. Q. Any new testimony described to you at any point? A. No testimony. Q. Were the same people involved in that meeting? A. It was yes. Q. Okay. That is, counsel
2 3 4 5 6 7 8 9 10 11 12 13 14	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About? Q. About this litigation? A. So about being deposed or the Q. Any aspect of this A in particular from Q. Any aspect of this litigation? A. The only thing has been that we know that we both were deposed or	2 3 4 5 6 7 8 9 10 11 12 13	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you? A. I think so. Q. Any new testimony described to you at any point? A. No testimony. Q. Were the same people involved in that meeting? A. It was yes. Q. Okay. That is, counsel inhouse from Henry Schein and counsel
2 3 4 5 6 7 8 9 10 11 12 13 14 15	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About? Q. About this litigation? A. So about being deposed or the Q. Any aspect of this A in particular from Q. Any aspect of this litigation? A. The only thing has been that we know that we both were deposed or being deposed.	2 3 4 5 6 7 8 9 10 11 12 13 14	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you? A. I think so. Q. Any new testimony described to you at any point? A. No testimony. Q. Were the same people involved in that meeting? A. It was yes. Q. Okay. That is, counsel inhouse from Henry Schein and counsel from Locke Lord?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About? Q. About this litigation? A. So about being deposed or the Q. Any aspect of this A in particular from Q. Any aspect of this litigation? A. The only thing has been that we know that we both were deposed or being deposed. Q. Okay. Did you ask him about	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you? A. I think so. Q. Any new testimony described to you at any point? A. No testimony. Q. Were the same people involved in that meeting? A. It was yes. Q. Okay. That is, counsel inhouse from Henry Schein and counsel from Locke Lord? A. Yes, that's correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About? Q. About this litigation? A. So about being deposed or the Q. Any aspect of this A in particular from Q. Any aspect of this litigation? A. The only thing has been that we know that we both were deposed or being deposed. Q. Okay. Did you ask him about his deposition?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you? A. I think so. Q. Any new testimony described to you at any point? A. No testimony. Q. Were the same people involved in that meeting? A. It was yes. Q. Okay. That is, counsel inhouse from Henry Schein and counsel from Locke Lord? A. Yes, that's correct. Q. Was it Mr. McDonald or was
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About? Q. About this litigation? A. So about being deposed or the Q. Any aspect of this A in particular from Q. Any aspect of this litigation? A. The only thing has been that we know that we both were deposed or being deposed. Q. Okay. Did you ask him about his deposition? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you? A. I think so. Q. Any new testimony described to you at any point? A. No testimony. Q. Were the same people involved in that meeting? A. It was yes. Q. Okay. That is, counsel inhouse from Henry Schein and counsel from Locke Lord? A. Yes, that's correct. Q. Was it Mr. McDonald or was it Mr. Jones or both?
2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	I think it was somebody from the Locke Lord team. Q. Okay. Did you ever speak with Shaun Abreu about your testimony? A. About? Q. About this litigation? A. So about being deposed or the Q. Any aspect of this A in particular from Q. Any aspect of this litigation? A. The only thing has been that we know that we both were deposed or being deposed. Q. Okay. Did you ask him about his deposition? A. No. Q. Did you ask anybody about	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	review documents in preparation for today? A. Yes. Q. Were there any new documents presented to you? A. I think so. Q. Any new testimony described to you at any point? A. No testimony. Q. Were the same people involved in that meeting? A. It was yes. Q. Okay. That is, counsel inhouse from Henry Schein and counsel from Locke Lord? A. Yes, that's correct. Q. Was it Mr. McDonald or was it Mr. Jones or both? A. No, it was Mr. Jones and
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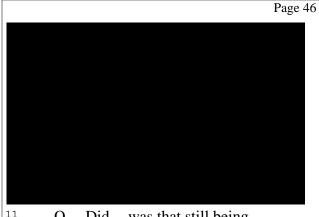
Page 26 ¹ teleconference last? ¹ reported in the state of Ohio or in 2 Teleconference last six ² some -- for Summit County transactions 3 ³ ever? hours. Q. And during that six hours, A. I don't know. no testimony was described to you? Q. Do you know whether or not A. No, no testimony. any pended orders were ever discovered 7 for Summit County, Ohio, or anywhere Q. And that was the third of your four meetings? within the state of Ohio? 9 A. Yes, sir. MR. McDONALD: Object to the 10 10 Q. And then you had one more form. meeting here at this law office? 11 THE WITNESS: What? 12 12 A. Yes, sir. MR. McDONALD: Go ahead. 13 Q. And was that yesterday? 13 Answer if you know. 14 14 A. Yesterday. THE WITNESS: Okay. Sorry, And how long was that 15 15 by knowing, you mean a specific Q. 16 16 or -- because we know that we were meeting? 17 17 A. It started at around nine doing it -- we were more like -and finished around four. 18 more than likely reported to Ohio. 19 BY MR. MIGLIORI: Q. Okay. So about seven hours? 20 20 A. About seven hours. Q. Well, I'm not asking about 21 Q. So if my math is correct, ²¹ reporting to Ohio, the state of Ohio, you spent somewhere between 20 and ²² I'll get to that separately. Right now 25 hours preparing for today? ²³ I'm talking about, and I'll be clear I 24 ²⁴ guess, to the DEA field office. Between that. Page 27 Page 29 Q. In the meeting yesterday, Did you report any pended did you see any documents that were new ² orders to the DEA field office for Summit ³ that you hadn't seen before? ³ County or within the state of Ohio at any A. I think I saw a couple, yes. point while you were at Henry Schein to Q. And the documents that vour knowledge? you're looking at generally, were they A. I don't remember. documents relating to suspicious order Q. And in the 25 hours that you monitoring systems? prepared for today, you didn't do A. The process, yes, and anything to familiarize yourself with relating to the suspicious order ¹⁰ Summit County, Ohio, the county where monitoring. Henry Schein has been sued? 12 12 Q. Did you review any documents We really didn't talk specific to Ohio or Summit County, Ohio? 13 about --13 14 14 A. No. MR. McDONALD: Don't --15 15 Q. Did you review any answers don't disclose the specifics of to interrogatories that Henry Schein 16 what we discussed. Just answer 17 prepared in this -- in this litigation? his question. 18 I'm sorry, say that again. 18 BY MR. MIGLIORI: Q. Did you review any written 19 19 Q. I'm just asking whether you responses, sworn statements, that your familiarized yourself with anything from company prepared for this litigation? Summit County, Ohio, relevant to 21 suspicious orders, pended orders, any 22 A. No. 23 ²³ activity, transactional activity that Q. Do you know whether or not a single suspicious order has ever been ²⁴ would rise to the level of a pended or

Page 30 ¹ suspicious order? Yes. A. 2 A. No. Q. Let's start at the last Q. I'm going to hand you page. ⁴ documents throughout the day. It's a A. Okay. tough reach but... (Document marked for identification as Exhibit 8 Henry Schein-Tejeda-1.) BY MR. MIGLIORI: 10 Q. This is today's notice of deposition for the record. 12 And you have seen this, ¹³ haven't you? 14 A. Yes. Q. This tells you to come here Q. Okay. Was that a school -was that a full law school program to ¹⁶ today. Did you bring any documents with you today? become a lawyer or was there another 18 A. Not related to the -- to program within the university that you 19 this. were attending? 20 20 Q. No? Okay. I've been A. It was a full law school to ²¹ provided with what appears to be a become a lawyer. Q. Okay. So you did not ²² curriculum vitae. I'm not sure when this 22 complete law school? was prepared. (Document marked for A. No. Page 31 Page 33 identification as Exhibit Henry Schein-Tejeda-2.) ³ BY MR. MIGLIORI: Q. If you can take a couple seconds. I marked it as Exhibit 2. Could you look at this and Q. Is that a degree that you ⁷ let me know when you think this may have obtained? been prepared? A. Yes, sir. Q. And that's in -- it was in A. I think this was prepared criminal justice? sometime last year. 10 Q. For what purpose? 11 A. Yes, sir. 12 A. I wanted to update it, to 12 Q. When did you move from ¹³ update my resumé. ¹³ Guatemala to the United States? Q. Okay. Was it -- were you A. 1989. asked to prepare this by counsel? 15 16 A. No. 17 Q. Do you recall when you 18 provided it to counsel? 19 A. I don't. 20 Q. Did you have any help in preparing this document? 21 22 A. No. Not unless my wife read ²³ it and give me comments. 24 Q. Those are the best critics.



Page 38 A. So at that point I started 1 talking about at that point in 2 ² to get more involved in policy issues, time? ³ SOPs, working with the verifications MR. MIGLIORI: Yeah. ⁴ teams, understanding the controlled ⁴ BY MR. MIGLIORI: ⁵ substance operations, and obviously Q. As you're starting to learn ⁶ because of the returns, what to do with about policies and standard operating ⁷ the inventories, what to do with special procedures. 8 ⁸ outgoings and things like that. A. I don't remember. Q. Okay. How did you learn Q. Is it fair to say that 10 about all those things? whatever you were starting to learn about 11 A. So my manager was also a DEA compliance, you were learning on the 12 iob? manager of the person that was doing ¹³ controlled substance monitoring, I can 13 A. And -- yes, and by working 14 with -- with Janet and Rob -- Bob. Yes. say. 15 Q. Who was that? Q. At this point do you recall 16 A. Janet Nalbeaiko. Or I'm doing any returns or issues relating to sorry, my manager or the person that was compliance with returns for Schedule II doing -- that was focusing on drugs? 19 verifications? A. When you say doing any 20 returns, what do you mean? Q. Well, I was referring to the ²¹ person that you were referring to. So I Q. We're still talking about a ²² think you said that you learned from period of time when you're in the returns ²³ somebody who was your manager. I was department, 1995 to 1998. You were the ²⁴ trying to figure out who that person was. ²⁴ supervisor of customer returns. And I'm Page 39 Page 41 A. So my manager, his name was ¹ asking you, in that role did you have any ² Bob Carlson. He was also the manager for ² direct involvement with Schedule II ³ Janet, who was more involved in the ³ controlled substances, other than the ⁴ returns being processed from your ⁴ controlled substance management. Q. Okay. And how did they ⁵ customers? ⁶ teach you about issues relating to A. Other than the returns being policies, standard operating procedures, processed from our customers, the and controlled substance compliance? security of the drugs, making sure that A. So work -- on the work they went to the proper inventory, that ¹⁰ education, and I also started to become ¹⁰ they were recorded appropriately, and 11 responsible of the processes and ¹¹ that if we needed to return anything to procedures for the department. the supplier, we were going to do it 13 according to our processes and their Q. How? How did you learn policies. Some, maybe investigations on ¹⁴ about it? Who taught you? Did you have inventories, things like that. 15 training materials? 16 Q. So of all the different 16 A. Do I have training materials? products that were coming into the 18 Q. Were you provided training returns department from 1995 to 1998, what percentage were controlled 19 materials? 20 substances? A. I don't remember. Q. Did you go to any classes to 21 21 A. Very little. ²² learn about the Controlled Substances 22 Q. Is it fair to say that most 23 Act? ²³ of your work in the returns department 24 ²⁴ related to medical devices and other MR. McDONALD: You are

Page 42 Page 44 ¹ non-controlled-substance products sold by ¹ substances from 2002 to 2006? ² Henry Schein? A. What would you consider A. You mean as far as -- yes. small percentage? Q. You tell me. 5 MR. McDONALD: Object to the form. BY MR. MIGLIORI: 8 O. Was it a --9 A. So --10 Q. -- half your job, was it a fraction of your job, did you spend any 12 time doing it? 13 A. About 25 percent. 14 Q. Related to controlled 15 substances? 16 Q. And again, it's fair to say 16 A. Mm-hmm. Yes. ¹⁷ that the recalls that you're talking 17 Q. Were you -about during this period of time, only a 18 MR. McDONALD: You've got to 19 small percentage of those related to 19 say yes. controlled substances, correct? 20 BY MR. MIGLIORI: 21 Q. And were you involved with A. Yes. Q. And were there any recalls ²² the suspicious order monitoring programs, ²³ of controlled substances from '98 to 2002 ²³ if any, at Schein during this period of ²⁴ that you can recall? 24 time? Page 43 Page 45 A. Wow. I can't recall any A. Yes, as super -- one of the ² persons on the team was responsible for ² specific. Q. Okay. If you go to Page 2, ³ DEA compliance, they were -- she was more ⁴ you moved over to just supervisor of ⁴ close to it. But as her supervisor, I ⁵ regulatory affairs. How did your job ⁵ was involved. ⁶ responsibilities change at that point? Q. Who was that person in 2002 A. Now I was responsible to to 2006 that was directly involved with DEA compliance? 8 managing the team and to -- on a ⁹ day-to-day workload, as well as special A. Nancy Fariello. And is Nancy still with the ¹⁰ projects, and getting more into 10 Q. ¹¹ developing, bonuses, SOPs. 11 company? Q. Okay. And the work here is 12 A. No. 13 still across all product lines at Henry 13 Q. And she reported to you? ¹⁴ Schein, correct? A. 15 A. Yes. 16 Q. And a small percentage of that product line that you oversaw was 18 controlled substances, correct? 19 A. As far as my ²⁰ responsibilities it was more than what it ²¹ used to be. Q. My question to you is 23 simply: Was it a small percentage of ²⁴ your time working with controlled



- Q. Did -- was that still being ¹² held -- managed by Ms., I think you said ¹³ Fariello?
- 14 A. I don't remember at what point she left the company.
- 16 Q. Okay. Did somebody replace 17 her in that role?
- 18 A. Yes.
- 19 Q. Who?
- 20 A. Craig Schiavo.
- 21 Q. Okay. And Craig continued
- ²² to work under you for several years,
- correct?
- Yes, he did. A.

A. Yes.

(Document marked for

- 3 identification as Exhibit
 - Henry Schein-Tejeda-3.)
- BY MR. MIGLIORI:
 - Q. Let me show you Exhibit 3.

Page 48

Page 49

- It is a document we found online that
- describes -- it's -- it's dated June 7,
- 2010. It says, "Henry Schein appoints
- ¹⁰ new director of compliance. 6.5 billion,
- ¹¹ Henry Schein, a Melville, New York-based
- distributor of healthcare products and
- services to office-based practitioners,
- ¹⁴ has promoted Sergio Tejeda to director of
- regulatory operations and compliance."
- It says -- do you -- do you
- recall this promotion? 17
 - A. Yes.
- Q. Was this about the period of
- time when this happened, about 2010?
- 21 The promotion to director,
- 22 yes.

18

23 Q. Okay. It says, "Tejeda ²⁴ joined Henry Schein in 1990 and spent his

Page 47

¹ first eight years at the company as a

- ² returns supervisor. In 2006 he was
- ³ promoted to regulatory affairs manager
- ⁴ and assumed responsibility of the
- ⁵ regulatory affairs team at GIV, General
- ⁶ Injectables and Vaccines, a Henry Schein
- company."
- In 2006, was your promotion
- to the GIV division of Henry Schein?
- A. GIV was a subsidiary of
- 11 Henry Schein and their regulatory team
- did report to me. I think that was 2007,
- ¹³ but...
- 14 Q. So in 2010, was your
- responsibility as director of compliance
- 16 limited to the general injectables and
 - vaccines division?
- 18 A. No. That was in addition to
- the Henry Schein regulatory compliance.
- Q. Okay. So did the GIV have controlled substances? 21
- 22 Yes.
- 23 Q. And were the suspicious
- ²⁴ order monitoring systems in place at GIV

- Q. And his position was more directly related to DEA compliance?
- 3 A. He did evolve into that,
- yes.
- Q. Okay. So you were also
- ⁶ responsible for hazardous material
- ⁷ handling, OSHA, environmental
- ⁸ regulations, as well as managing the
- ⁹ completion of a wide variety of ¹⁰ regulatory projects.
- 11 Is it fair to say that DEA compliance was not your primary focus at ¹³ this point, from 2006 to 2010?
- 14 A. Was not the only focus.
- 15 Q. Henry Schein has several ¹⁶ divisions during this period of time,
- correct?
- 18 A. Business units?
- 19 Q. Yes.
- 20 A. Yes.
- 21 Q. All right. And you were
- ²² director of regulatory affairs for the
- ²³ various business units domestically,
- ²⁴ correct?

	D 50		
-	Page 50	_	Page 52
1	that were in place throughout the rest of	1	THE WITNESS: Domestically.
2	Henry Schein?	2	BY MR. MIGLIORI:
3	MR. McDONALD: Object to the	3	Q. Okay. So it involved
4	form.	4	what were the other business units that
5	BY MR. MIGLIORI:	5	you were responsible for at this time?
6	Q. At this time?	6	A. Dental, medical, vet.
7	MR. McDONALD: Object to the	7	Q. Vet?
8	form.	8	A. Veterinary medicine.
9	Go ahead. You can answer if	9	Q. Okay. Okay. And it makes
10	you understand.	10	reference here to the FDA, DEA, and
11	THE WITNESS: They weren't	11	
12	the same. They were similar.	12	Do you see that?
	BY MR. MIGLIORI:	13	A. Yes.
14		14	
	Q. Wasn't it true that GIV was	l	Q. So and it also has
15	lagging behind Henry Schein in terms of	15	oversight of the Canadian regulatory team
16	suspicious order monitoring compliance?	16	on the second page, right?
17	MR. McDONALD: Object to the	17	A. Yes.
18	form.	18	Q. Who was the person that was
19	BY MR. MIGLIORI:	19	more directly involved under you at this
20	Q. In 2010?	20	point for DEA compliance relative to
21	MR. McDONALD: Object to the	21	controlled substances, was that Craig
22	form.	22	Schiavo?
23	THE WITNESS: As far as our	23	MR. McDONALD: Object to the
24	best practices, they had some	24	form. Vague as to time.
	•		
1	Page 51	1	Page 5%
	opportunities.	2	THE WITNESS: Should I
	DT WIK. WHODIOKI.	3	respond?
3	Q. They had some opportunities		MR. McDONALD: If you
	to improve?	4	understand the question, Sergio,
5	A. Yes.	5	then you should answer the
6	Q. So on the first page of your	6	question unless I tell you not to.
7	CV going back to Exhibit Number 2. This		÷
·		7	THE WITNESS: Okay.
8	position is described here as director of	7 8	÷
8			THE WITNESS: Okay.
9	position is described here as director of	8	THE WITNESS: Okay. So I I think at the
8 9 10	position is described here as director of regulatory operations and compliance 2010	8 9	THE WITNESS: Okay. So I I think at the beginning of that period, Craig
9 10	position is described here as director of regulatory operations and compliance 2010 to 2013. Are we talking about the	8 9 10	THE WITNESS: Okay. So I I think at the beginning of that period, Craig Schiavo was focused on that. We
9 10 11	position is described here as director of regulatory operations and compliance 2010 to 2013. Are we talking about the same position?	8 9 10 11	THE WITNESS: Okay. So I I think at the beginning of that period, Craig Schiavo was focused on that. We added resources to that function over time.
9 10 11 12	position is described here as director of regulatory operations and compliance 2010 to 2013. Are we talking about the same position? A. The same position as as	8 9 10 11 12	THE WITNESS: Okay. So I I think at the beginning of that period, Craig Schiavo was focused on that. We added resources to that function over time. BY MR. MIGLIORI:
9 10 11 12 13	position is described here as director of regulatory operations and compliance 2010 to 2013. Are we talking about the same position? A. The same position as as the document?	8 9 10 11 12 13	THE WITNESS: Okay. So I I think at the beginning of that period, Craig Schiavo was focused on that. We added resources to that function over time. BY MR. MIGLIORI: Q. Okay. In 2010, Henry
9 10 11 12 13 14	position is described here as director of regulatory operations and compliance 2010 to 2013. Are we talking about the same position? A. The same position as as the document? Q. As as the press release?	8 9 10 11 12 13 14 15	THE WITNESS: Okay. So I I think at the beginning of that period, Craig Schiavo was focused on that. We added resources to that function over time. BY MR. MIGLIORI: Q. Okay. In 2010, Henry Schein at the beginning of 2010, Henry
9 10 11 12 13 14 15	position is described here as director of regulatory operations and compliance 2010 to 2013. Are we talking about the same position? A. The same position as as the document? Q. As as the press release? A. Yes.	8 9 10 11 12 13 14 15	THE WITNESS: Okay. So I I think at the beginning of that period, Craig Schiavo was focused on that. We added resources to that function over time. BY MR. MIGLIORI: Q. Okay. In 2010, Henry Schein at the beginning of 2010, Henry Schein implemented a new suspicious order
9 10 11 12 13 14 15 16	position is described here as director of regulatory operations and compliance 2010 to 2013. Are we talking about the same position? A. The same position as as the document? Q. As as the press release? A. Yes. Q. And again, this is across	8 9 10 11 12 13 14 15 16	THE WITNESS: Okay. So I I think at the beginning of that period, Craig Schiavo was focused on that. We added resources to that function over time. BY MR. MIGLIORI: Q. Okay. In 2010, Henry Schein at the beginning of 2010, Henry Schein implemented a new suspicious order monitoring system, correct?
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	Page 54		Page 56
,	_	1	
1	Q. At the end of 2009, in	1	A. Again, I don't remember at
2	Setabel, 1 to vehicer of 2009, confect.		what point Shaun joined as manager.
3	A. I don't remember the exact	3	Q. In 2010, beginning of 2010,
5	time. But I think it was earlier than	_	what percentage of the responsibilities
	that.	5	with the enhanced suspicious order
6	Q. Okay. Well, I'll show you	6	monitoring program were the
7	some documents.	′	responsibility of regulatory, and what
8	But that program, was that	8	percentage was the responsibility of
9	as of 2010 when you took this position of	9	verifications, if you can estimate?
10	director of regulatory operations and	10	MR. McDONALD: Object to the
11	compliance, were you men responsible	11	form.
	overall for the implementation and	12	THE WITNESS: As far as
	execution of that suspicious order	13	reviewing the orders that have
	monitoring program as it related to	14	pended in the system,
	controlled substances?	15	verifications was the first line.
16	A. From the regulatory side, I	16	And a percentage of that came to
17	was responsible for the development and	17	regulatory.
	implementation of the system, yes.	18	BY MR. MIGLIORI:
19	Q. Okay. And you're	19	Q. Okay. Do you know what
20	distinguishing that from the	20	percentage came to regulatory?
	verifications side?	21	A. Approximately, I mean, but
22	A. We had several project		I'm not sure.
23	managers.	23	Q. Okay. What approximately?
24	Q. Okay. And my question was,	24	MR. McDONALD: Object to the
		_	
	Page 55		Page 57
1	_	1	- 1
	Page 55 was the verifications department also involved with the execution of that	1 2	Page 57 form. Go ahead.
2	was the verifications department also involved with the execution of that		form.
3	was the verifications department also	2	form. Go ahead. THE WITNESS: Around 12,
3	was the verifications department also involved with the execution of that enhanced suspicious order monitoring	2 3 4	form. Go ahead.
3 4	was the verifications department also involved with the execution of that enhanced suspicious order monitoring system?	2 3 4	form. Go ahead. THE WITNESS: Around 12, 15 percent.
2 3 4 5	was the verifications department also involved with the execution of that enhanced suspicious order monitoring system? A. Yes.	2 3 4 5	form. Go ahead. THE WITNESS: Around 12, 15 percent. BY MR. MIGLIORI:
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2 3 4 5 6 7	was the verifications department also involved with the execution of that enhanced suspicious order monitoring system? A. Yes. Q. And the person there that was most responsible in verifications,	2 3 4 5 6 7	form. Go ahead. THE WITNESS: Around 12, 15 percent. BY MR. MIGLIORI: Q. Came to regulatory? A. Came to regulatory, yes.
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Γ		5 1		
		Page 58		Page 60
	1	department managed and overseen by Shaun	1	the company's suspicious order monitoring
	2	Abreu?	2	systems?
	3	A. Shaun Abreu, yes.	3	A. Yes.
	4	Q. Okay. In 2013, it's the	4	Q. Do you continue to be
	5	last entry here on your resumé. It says	5	responsible for the "know your customer"
	6	director of regulatory affairs. Is that	6	obligations of the DEA?
	7	the current position that you hold now,	7	A. Yes.
		or is this the one that switched in 2015?	8	Q. And the due diligence
	9	A. Director of regulatory	9	program at Henry Schein, are you still
	10	<u> </u>		responsible for that?
	11	Q. Okay. I don't see the	11	A. Know your customers, the
	12	distinction that you made earlier for me	12	diligence program, yes.
- 1		about North America versus domestic.	13	Q. And is that entirely within
	14	A. So I'm no longer responsible	14	regulatory affairs, or is that shared
	15	for the Canadian regulatory team.		with verifications?
- 1	16	Q. Okay. Is that what dropped	16	A. That is shared with
	17	out from this description in your	17	verifications.
		curriculum vitae around 2015, the	18	Q. Same percentages with
- 1		oversight of Canadian affairs?	19	
- 1	20	A. Well, based on this, it	20	MR. McDONALD: Object to the
	21	dropped down in 2013.	21	form.
- 1	22	Q. Okay. So the position that	22	THE WITNESS: Yeah, around
	23	you hold today, based on this resumé that	23	that.
		you prepared last year, the position that	24	BY MR. MIGLIORI:
-			_	
	1	Page 59		Page 61
		1 11, 1 ',1 1 '1 11	1 1	0 01 1 1
		you hold today is the one described here	1	Q. Okay. It says that you
	2	as director of regulatory affairs, 2013	2	helped to formalize the "know your
	2	as director of regulatory affairs, 2013 to the present?	2	helped to formalize the "know your customer" site visit program for
	2 3 4	as director of regulatory affairs, 2013 to the present? A. Has changed a little bit.	3 4	helped to formalize the "know your customer" site visit program for different types of accounts.
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	2 3 4 5 6	as director of regulatory affairs, 2013 to the present? A. Has changed a little bit. Q. In any way that was significant or related to controlled	2 3 4 5 6	helped to formalize the "know your customer" site visit program for different types of accounts. Were you involved in the "know your customer" site visit program
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	2 3 4 5 6 7 8	as director of regulatory affairs, 2013 to the present? A. Has changed a little bit. Q. In any way that was significant or related to controlled substances? A. To controlled substances, we	2 3 4 5 6 7 8	helped to formalize the "know your customer" site visit program for different types of accounts. Were you involved in the "know your customer" site visit program that Tina Steffanie-Oak and others were involved in?
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	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	as director of regulatory affairs, 2013 to the present? A. Has changed a little bit. Q. In any way that was significant or related to controlled substances? A. To controlled substances, we are now responsible for licensure, so we are responsible to maintain controlled substance licenses for the company. And we are responsible for item initiation. Q. I'm sorry. For what initiation? A. Item initiation, item creation, to make sure that all items have the correct regulatory attributes in the system, so as it pertains to controlled substances, yes. And I have less involvement in the quality side, but that's probably	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	helped to formalize the "know your customer" site visit program for different types of accounts. Were you involved in the "know your customer" site visit program that Tina Steffanie-Oak and others were involved in? A. Yes, I was. Q. Did they have to report to you their progress in the "know your customer" project to complete the due diligence A. Yes. Q files? A. I'm sorry. Yes. Q. Okay. And it says here that one of your major accomplishments during this period of time, 2013 to the present, was compliance awareness manual and inspection preparedness guidelines for

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	Page 62		Page 64
1	Q. Did you approve it?	1	a moment.
2	A. Yes.	2	And so the compliance
3	Q. Did you review it in	3	awareness manual, what kind of manual
4	preparation for today?	4	what kind of topics were covered in that?
5	A. Did I review it in	5	A. The compliance awareness
6	preparation for today?	6	manual is meant to be a tool for Henry
7	Q. In any of the 25 hours of	7	Schein operations, Henry Schein
8	review?	8	facilities so it covers awareness for our
9	MR. McDONALD: Object to the	9	regulatory responsibilities with many
10	form.	10	different agencies, many different
11	THE WITNESS: No. That		regulations. We cover DEA compliance, we
12	wasn't one of the documents as I	12	-
13	remember reviewing.	13	
14	BY MR. MIGLIORI:	14	Q. So would the Ohio suspicious
15	Q. Do you know where that	15	•
16	document is today?	16	A. That is the answer is no,
17	A. The current version of which	17	
18	one? The compliance	18	
19	Q. The compliance I'm sorry,	19	
20	the compliance awareness manual and	20	-
21	inspection preparedness guidelines for	21	Q. Okay. Did you review that
	Henry Schein operations.	22	
23	A. It's two different	23	· ·
24	documents.	24	
	documents.		71. 110.
		_	
	Page 63		Page 65
1	Q. Okay. Do you know where	1	Q. If you were to go look for
2	Q. Okay. Do you know where they are? Where would you go to look for	1 2	Q. If you were to go look for that today, would that be in the PowerDMS
2	Q. Okay. Do you know where		Q. If you were to go look for that today, would that be in the PowerDMS system that you talked about
2	Q. Okay. Do you know where they are? Where would you go to look for	2	Q. If you were to go look for that today, would that be in the PowerDMS system that you talked about A. Yes.
2	Q. Okay. Do you know where they are? Where would you go to look for them right now if you had to go get them?	2	Q. If you were to go look for that today, would that be in the PowerDMS system that you talked about A. Yes. Q with the other SOPs?
2	Q. Okay. Do you know where they are? Where would you go to look for them right now if you had to go get them? A. Our document management	2	Q. If you were to go look for that today, would that be in the PowerDMS system that you talked about A. Yes.
2 3 4 5	Q. Okay. Do you know where they are? Where would you go to look for them right now if you had to go get them? A. Our document management system.	2 3 4 5	Q. If you were to go look for that today, would that be in the PowerDMS system that you talked about A. Yes. Q with the other SOPs? Did you help create the
2 3 4 5 6	Q. Okay. Do you know where they are? Where would you go to look for them right now if you had to go get them? A. Our document management system. Q. Is that the JDW JEW, JWE?	2 3 4 5 6	Q. If you were to go look for that today, would that be in the PowerDMS system that you talked about A. Yes. Q with the other SOPs? Did you help create the
2 3 4 5 6 7	Q. Okay. Do you know where they are? Where would you go to look for them right now if you had to go get them? A. Our document management system. Q. Is that the JDW JEW, JWE? A. No. No, it's not that one.	2 3 4 5 6 7	Q. If you were to go look for that today, would that be in the PowerDMS system that you talked about A. Yes. Q with the other SOPs? Did you help create the compliance awareness manual?
2 3 4 5 6 7 8	Q. Okay. Do you know where they are? Where would you go to look for them right now if you had to go get them? A. Our document management system. Q. Is that the JDW JEW, JWE? A. No. No, it's not that one. Q. What is it?	2 3 4 5 6 7 8	Q. If you were to go look for that today, would that be in the PowerDMS system that you talked about A. Yes. Q with the other SOPs? Did you help create the compliance awareness manual? A. Like I said, we we
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Okay. Do you know where they are? Where would you go to look for them right now if you had to go get them? A. Our document management system. Q. Is that the JDW JEW, JWE? A. No. No, it's not that one. Q. What is it? A. It is called PowerDMS. Q. Okay. A. It's a specific document control system. Q. Okay. What kind of documents are kept there, like training manuals?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. If you were to go look for that today, would that be in the PowerDMS system that you talked about A. Yes. Q with the other SOPs? Did you help create the compliance awareness manual? A. Like I said, we we discussed the plan, what should cover, then my team developed it. We went through several revisions and then we implemented. Q. Did was that also true for the inspection preparedness guidelines?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Okay. Do you know where they are? Where would you go to look for them right now if you had to go get them? A. Our document management system. Q. Is that the JDW JEW, JWE? A. No. No, it's not that one. Q. What is it? A. It is called PowerDMS. Q. Okay. A. It's a specific document control system. Q. Okay. What kind of documents are kept there, like training manuals? A. SOPs, training manuals, work instructions, records related to those documents. Q. Is due diligence kept there?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. If you were to go look for that today, would that be in the PowerDMS system that you talked about A. Yes. Q with the other SOPs? Did you help create the compliance awareness manual? A. Like I said, we we discussed the plan, what should cover, then my team developed it. We went through several revisions and then we implemented. Q. Did was that also true for the inspection preparedness guidelines? A. Yes. Q. And I assume that includes DEA inspections of distribution centers as well?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. Do you know where they are? Where would you go to look for them right now if you had to go get them? A. Our document management system. Q. Is that the JDW JEW, JWE? A. No. No, it's not that one. Q. What is it? A. It is called PowerDMS. Q. Okay. A. It's a specific document control system. Q. Okay. What kind of documents are kept there, like training manuals? A. SOPs, training manuals, work instructions, records related to those documents. Q. Is due diligence kept there? A. Due diligence? Q. Yeah. A. No. For due diligence we	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. If you were to go look for that today, would that be in the PowerDMS system that you talked about A. Yes. Q with the other SOPs? Did you help create the compliance awareness manual? A. Like I said, we we discussed the plan, what should cover, then my team developed it. We went through several revisions and then we implemented. Q. Did was that also true for the inspection preparedness guidelines? A. Yes. Q. And I assume that includes DEA inspections of distribution centers as well? A. Yes, it does include DEA inspections. Q. And then it says, "DEA/FDA

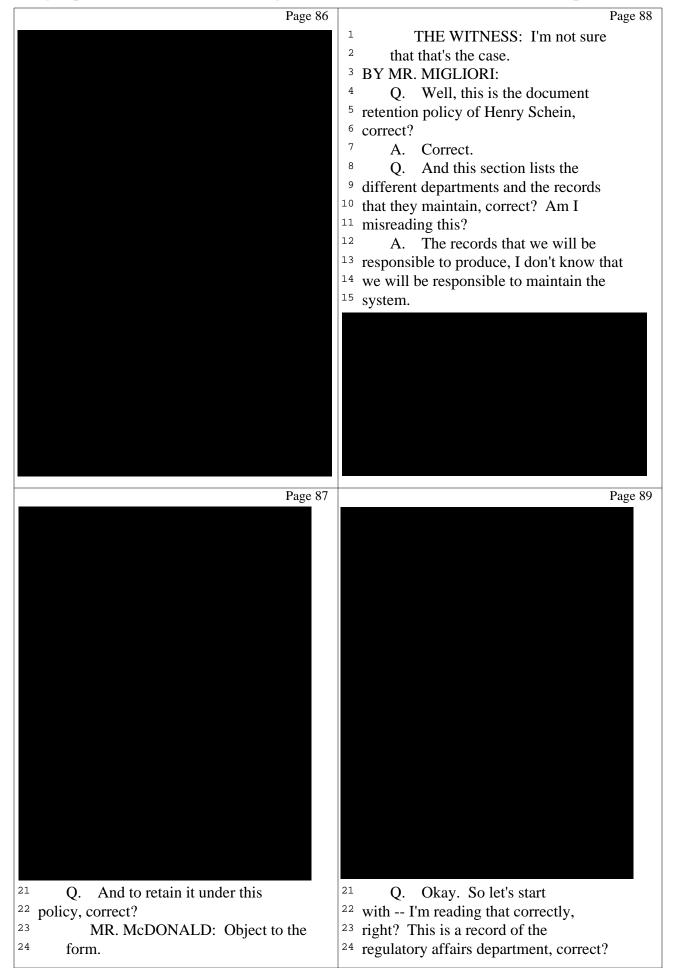
Page 66 Page 68 1 Were you involved with that A. Last year. compliance education? Q. And that includes DEA A. What was that, I'm sorry? compliance --Q. I'm sorry, the second to A. Yes. last bullet point. If you look on the O. -- for the sales force. screen in front of you I can point to it. 6 A. Sorry, yes. Okay. Q. And why is it important to A. educate the sales force on DEA 8 "DEA and FDA compliance Q. education for field sales consultants." compliance? 10 10 A. Yes, sir. MR. McDONALD: Objection. 11 Q. All right. So tell me about BY MR. MIGLIORI: that. What kind of education program did 12 Q. What role, if any, do they 13 you put together for your field sales play in DEA compliance at Henry Schein? 14 ¹⁴ consultants? MR. McDONALD: Object to the 15 A. Okay. So we have done a 15 form. 16 ¹⁶ couple of different things. We have THE WITNESS: It is attended regional sales meetings, and 17 important to us that everybody prepare material to train them on the 18 knows what the requirements that 19 obligations of the company, their 19 the company need to comply are. ²⁰ responsibility, what we need to do. 20 Everybody plays a role. 21 We have, when we do attend We have very good 22 ²² regional meetings, there is -- the field relationship with our customers, 23 ²³ sales consultants spend some time with us especially the field sales 24 ²⁴ in either by group or one-to-one basis. consultants. They visit our Page 67 Page 69 ¹ We provide the explanation, they ask practitioners' offices on a daily 2 ² questions. They tell us what their basis. So they need to understand ³ concerns may be. Then we develop a 3 what they can, what they cannot ⁴ program that we use to train them via 4 do. They need to understand it in ⁵ phone and web conference. And that was order to -- for them to be able to ⁶ delivered as well in groups, so we had 6 do their work, better service our ⁷ several meetings, so several sessions on customer without putting the ⁸ that. That was in -- in partnership with company at any risk or... ⁹ Bill Brandt the director of verifications BY MR. MIGLIORI: 10 ¹⁰ at that point. Q. Are they involved in the due 11 We also have developed diligence process either for a new ¹² online education models so our field customer that they onboard or for ¹³ sales consultants now, when they join the existing companies -- customers? 14 14 company, they are required to go through MR. McDONALD: Object to the this online training, and then I forget 15 form. Go ahead. 16 how often they need to take refresher. 16 THE WITNESS: Not really. 17 17 But those have been some of We -- we are developing a program 18 ¹⁸ the things that we have done. We have that somebody from operations or 19 ¹⁹ also meet with field sales consultants an FSC may carry a laptop or 20 ²⁰ groups in our distribution centers. And something to the customer office, ²¹ provide some training that way. 21 and we will be on the other side 22 22 Q. The online training that you of the -- of the line, and they 23 ²³ discuss, when did that first get will be able to interact with the 24 ²⁴ implemented? customer by showing documents,

Bass 70	D 72
Page 70	Page 72
assisting to show us what the	¹ before 2013 when you took this
facility is, things like that.	² position
But the the review will be	3 A. I
4 conducted by somebody in	Q that is, the regulatory
⁵ regulatory.	⁵ training and education of sales
⁶ BY MR. MIGLIORI:	⁶ force-type meetings, do you recall them
Q. Okay. This is something	⁷ happening before 2013?
8 you're developing now that's not yet	8 A. Yes.
⁹ implemented?	⁹ Q. How far back, to your
A. Yeah. We have tested a	10 recollection, were those types of
¹¹ couple of times.	11 training sessions or or presentations
Q. So it's essentially a	made to the sales force, to your best
13 virtual site visit, that is, it's	13 recollection?
through through laptop interaction of	14 A. 2010, maybe.
15 some sort?	Q. So, since the launch of the
A. Essential, yes. Virtual	enhanced suspicious order monitoring
17 site visit.	system maybe, that you incorporated
Q. Does the sales force, are	18 training of sales force in the DEA
19 they trained in this either online or	¹⁹ compliance training program, does that
written or regional sales meeting	seem to coincide with your recollection?
²¹ trainings, are they trained to identify	A. Yeah, it is a separate
²² red flags or potential suspicious issues	²² program, yes.
²³ relating to controlled substances, is	Q. Okay. And are those written
²⁴ that part of the training?	²⁴ materials or presentations, things that
Page 71	Page 73
¹ A. Yes. We cover red flags, we	¹ are on the thumb drives, is that
_	
¹ A. Yes. We cover red flags, we ² cover potential signs of issues.	 are on the thumb drives, is that something that you still use today?
 A. Yes. We cover red flags, we cover potential signs of issues. Q. So before the online training, was there written training 	 are on the thumb drives, is that something that you still use today? A. PowerPoint changed. I mean, the materials change. They evolve, you
 A. Yes. We cover red flags, we cover potential signs of issues. Q. So before the online training, was there written training material that you would hand out at these 	 are on the thumb drives, is that something that you still use today? A. PowerPoint changed. I mean,
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Page 74 Page 76 ¹ BY MR. MIGLIORI: Q. Was it called regional sales And by looking at it, would ³ you have prepared the original issue, or ³ training? Was it called anything that ⁴ you can particularly remember if you were 4 is the way this is prepared, this would ⁵ to say, I need to go grab the education say that you prepared the revision in ⁶ materials for the sales force? March of 2003? How do I read this A. No, not really. document? Q. Okay. Who would you ask in A. It is -- would be prepared your department for the latest version of in collaboration with Frank. At this 10 it? point, Frank will have more of a role of 11 doing the revision, and I will have more The latest version? A. 12 of a role of reviewing and approving. Yeah. If you said I want to 13 read it this afternoon, ask so and so to ¹³ But, you know, we worked close together. 14 go get it for me. Who would be that Q. I guess my question is a person? little more basic. In looking at the 16 document, can you tell whether you were A. Liam Schauer would be one. 17 What position is Liam involved with the original issue or are O. Schauer in? you only necessarily here involved in 19 preparing the revision? And can you tell A. He's a senior regulatory 20 from looking at the document? And if you specialist. Q. Okay. And is your team don't know, that's fine too. ²² responsible for updating it, verifying A. I don't remember. 23 its accuracy, making changes and ²⁴ modifications to it? Page 75 Page 77 A. Yes. 1 2 MR. MIGLIORI: Why don't we 3 take a break here. 4 THE VIDEOGRAPHER: Going off 5 the record 10:15 a.m. 18 O. Does it cover all the 19 distribution centers? 20 A. At this point we had two. WCS and WMS were both warehouse management systems. Q. And they were -- in 2003, ²⁴ they were online?

Page 78 A. Online. A. The warehouse management ² system. At the point of the order being Q. And everybody -- what kind ³ of information relative to controlled processed, yes. Q. And processed means from the ⁴ substances would have been stored there, ⁵ if any? distribution center out the door? A. Yes. A. The receipt, storage, location moves, pick, pack. Q. Okay. And those records Q. What is pick, pack? 8 are -- are searchable by zip code or by A. I'm sorry. When we get an region? How are they managed, if you ¹⁰ order then our distribution centers have know? ¹¹ a print room. So the print room will 11 A. The records that are in the ¹² print a batch record, which will cover system, they may be searchable by account ¹³ several invoices, several shipments. So number. They may be searchable by ¹⁴ pickers are assigned batches. And then invoice number. They may be searchable 15 they go to the locations of the products, by item code. ¹⁶ and they pick the product, they put it in Q. What about -- so by a physician or a practitioner? ¹⁷ a tote or box that is specified for that ¹⁸ order. 18 A. Account, yes -- by the 19 In the case of controlled account number, yes. 20 Q. And what kind of information ²⁰ substances, either the box will travel is in the JD Edwards system as it relates 21 into the drug room, or if it's only a ²² controlled substance, then the whole solely to controlled substances? 23 ²³ order, the batch will go directly to the MR. McDONALD: Object to the ²⁴ drug room to be completed. form. Page 79 Page 81 Q. So these systems are THE WITNESS: So to my ² designed to track the intake and the understanding, JD is the sales ³ movement of controlled substances within management -- the transaction management system. So it will be ⁴ the distribution center? 5 MR. McDONALD: Object to the the transaction side. 6 BY MR. MIGLIORI: form. BY MR. MIGLIORI: Q. Now, are the transactions Q. That is, the people and the different from the distribution records places where the controlled substances from the warehouse control system? Are are being moved while they're in the they two separate databases of transactions? position -- distribution center? 12 MR. McDONALD: Object to the A. So JDE, it's a different 13 13 system than WCS. form. 14 THE WITNESS: Well, I will Q. And but each would record a portion at least of the order and 15 say that at a very big level they processing of each transaction, correct? are much more complex. But again, 16 16 17 A. That is my understanding. 17 big picture, it will be inventory control and things like that. 18 O. So if I have a record or a field for a Dr. Smith in Summit County, ¹⁹ BY MR. MIGLIORI: 20 Q. So would every order, for Ohio, for placing an order, I'd be able ²¹ example, from the state of Ohio be to find that order both in the warehouse ²² recorded somewhere in the warehouse control system or the warehouse ²³ control system and/or the warehouse ²³ management system, as well as in the JD ²⁴ maintenance system? ²⁴ Edwards system?

Page 82		Page 8
MR. McDONALD: Object to the	1	system, but any other systems that
form.	2	look at the order.
BY MR. MIGLIORI:	3	BY MR. MIGLIORI:
Q. Correct?	4	Q. Okay. So if an order gets
MR. McDONALD: Object to the	5	to the warehouse control system, it has
form.	6	already passed through the suspicious
THE WITNESS: At the time	7	
	8	A. Yes.
	9	Q. What about the JD Edwards
<u> </u>	10	system, those transaction records? For
1 0	11	
	12	<u>-</u>
	13	suspicious order monitoring process?
•	14	MR. McDONALD: Object to the
±	15	form.
	16	THE WITNESS: I'm sorry, I
	17	was a little distracted. Could
	18	you repeat?
-		BY MR. MIGLIORI:
		Q. Sure.
±		So the transactional records
•		
= =		for that same order that we just
<u>-</u>		discussed, a doctor in summit county
pended by the suspicious order monitoring	24	making an order in 2010, will that order
Page 83		Page 8
system. My point was, I'm not sure where	1	pass through the suspicious order
that SOM resides and what part of the	2	monitoring system before it gets to the
software.	3	JD Edwards system or after?
Q. Okay. Let me see if I can	4	MR. McDONALD: Object to the
walk through an example. So a doctor	5	form.
places an order. Does the doctor in	6	THE WITNESS: Again, I
let's say in 2010, does the doctor place	7	don't I'm I don't know where
that order online?	8	the SOM resided. It's different
MR. McDONALD: Object to the	9	than JDE, or within JDE or within
form.	10	a different system.
THE WITNESS: So there were	11	
to place an order.		
1		
that order hit the warehouse control		
reviewed by the suspicious order		
monitoring system?		
<u> </u>		
MR McDONALD: Object to the		
MR. McDONALD: Object to the form		
form.		
· ·		
	Q. Correct? MR. McDONALD: Object to the form. THE WITNESS: At the time that the order has been that's being processed and through the recordkeeping time. BY MR. MIGLIORI: Q. Where would the pended orders be stored? What system would pended orders show up in? A. I'm not sure if it's a different system. Q. Okay. Where would an order pend? Would an order would it pend at the warehouse control system? Or would it pend at the transactional level in the JD Edwards system? In other words, where would the actual trigger occur? A. Would pend would be pended by the suspicious order monitoring Page 83 system. My point was, I'm not sure where that SOM resides and what part of the software. Q. Okay. Let me see if I can walk through an example. So a doctor places an order. Does the doctor in let's say in 2010, does the doctor place that order online? MR. McDONALD: Object to the form. THE WITNESS: So there were many different ways for a doctor to place an order. BY MR. MIGLIORI: Q. Okay. At what point does that order hit the warehouse control system? Immediately or after it's been	Q. Correct? MR. McDONALD: Object to the form. THE WITNESS: At the time that the order has been that's being processed and through the recordkeeping time. BY MR. MIGLIORI: Q. Where would the pended orders be stored? What system would pended orders show up in? A. I'm not sure if it's a different system. Q. Okay. Where would an order pend? Would an order would it pend at the warehouse control system? Or would it pend at the warehouse control system? Or would it pend at the actual trigger occur? A. Would pend would be pended by the suspicious order monitoring Page 83 system. My point was, I'm not sure where that SOM resides and what part of the software. Q. Okay. Let me see if I can walk through an example. So a doctor places an order. Does the doctor in let's say in 2010, does the doctor place that order online? MR. McDONALD: Object to the form. THE WITNESS: So there were many different ways for a doctor to place an order. BY MR. MIGLIORI: Q. Okay. At what point does that order hit the warehouse control system? Immediately or after it's been



Page 90 A. It is a record that the ¹ longer responsible for customer purchase ² history for controlled substances only in regulatory affairs department will be ³ the regulatory affairs department, was ³ responsible to produce. ⁴ that moved in an SOP to your knowledge? Q. To produce to whom? A. Well, we will go to whatever A. I don't know. ⁶ system, whatever process we had --Q. It says that the regulatory ⁷ somebody will request it. Then we will affairs department would be required to go to the system. We will type a query produce product recall information? or whatever was the procedure. A. That is correct. 10 10 Q. Okay. Regulatory affairs would be O. 11 A. And then get a report, and required to produce government inquiries, that's your record. is that true? 13 Q. Are you responsible for 13 A. At that point, it was. making sure that it's maintained and 14 Q. Did that change? secure within your department? 15 A. That process has changed. 16 A. Again, it is maintained in 16 O. When? 17 ¹⁷ the system. So we have IT security, IT A. I don't remember when. ¹⁸ management that are responsible to make 18 To whom? Who is now ¹⁹ sure that everything is the -- is in the responsible to produce government ²⁰ system is kept correctly and secure. 20 inquiries? 21 Q. Okay. And the regulatory A. Now it is an effort between ²² verifications, regulatory with copy to ²² affairs department, part of the record ²³ would be customer purchasing history for 23 legal. ²⁴ controlled substances only. That was What about DEA inquiries Q. Page 91 Page 93 ¹ into doctor prescribing habits, would ¹ maintained or the responsibility of the that be considered a government inquiry? ² regulatory affairs department to produce, ³ correct? A. Yes. 4 Q. Or DOJ inquiry into MR. McDONALD: Object to the 5 ⁵ suspicious transactions that appear form. either in ARCOS or in the Ohio reporting 6 THE WITNESS: Yes. system, would that be a government BY MR. MIGLIORI: inquiry? Q. All right. So is that still 9 true today? A. Yes. 10 A. No. 10 Q. And where would that be 11 Who is responsible for that documented in the system today? Q. 12 A. Where the -- the inquiry or today? A. So if somebody requests a 13 the response or? ¹⁴ customer purchase history, I would go to Q. Yes. The inquiry or the ¹⁵ verifications to input the request. 15 response. Q. Was an SOP revised to say 16 16 MR. McDONALD: Well --¹⁷ that's a verifications function then, to 17 BY MR. MIGLIORI: 18 your knowledge? Q. Whatever is referred to here 19 This is a 2003 document. as the record of government inquiries. 20 Whatever that means to Henry Schein? A. Yeah, I'm -- I think there 21 MR. McDONALD: Object to the ²¹ were more than one revisions after this 22 ²² one. form. 23 That's not my question. Was THE WITNESS: I'm not sure.

²⁴ that revised to say that you are no

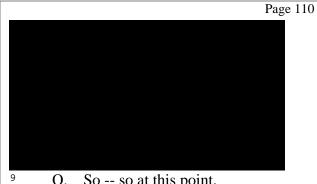
²⁴ BY MR. MIGLIORI:

	Page 94		Page 9
1	Q. Is that in JD Edwards?	1	all.
2	MR. McDONALD: Object to the	2	MR. MIGLIORI: We haven't.
3	form. If you know tell him, but	3	That's why I'm smiling.
4	don't guess.	4	BY MR. MIGLIORI:
5	THE WITNESS: I don't know.	5	Q. You don't know where the
6	BY MR. MIGLIORI:	6	government inquiries would be recorded
7	Q. Okay. That's	7	and documented in the system, correct?
8	MR. McDONALD: And, Sergio,	8	A. I'm not sure what the office
9	this is true throughout. If you	9	of record is for that documentation.
10	tell him an answer, he's going to	10	Q. One of the beauties of this
11	assume that's true and that's	11	document is you signed it, and you wrote
12	actual factual. If you don't		it. So I'm just trying to understand
13	know, then tell him that you don't		what you understand this to mean. There
14	know. He doesn't want you to		is a government inquiries record referred
15	guess.		to in an SOP that you literally signed
16	MR. MIGLIORI: That's a		off on.
17	substantial I'll accept it.	17	And I'm trying to
18	MR. McDONALD: You don't	18	understand, one, what is a government
19	want him to guess. You don't want		inquiry as it relates to controlled
20	him to guess, do you?	20	substances, and two, where would you find
21	MR. MIGLIORI: And I asked		it?
22		22	
23	him in the beginning.	23	A. Okay.
24	MR. McDONALD: Right.		Q. So let's start with the
21	MR. MIGLIORI: But I don't	24	first part. The government inquiries, as
	Page 95		Page 9
1	need a	1	it relates to controlled substances.
2	MR. McDONALD: And he was	2	What would those be, to your knowledge?
3	he was	3	A. It would be a subpoena for
4	MR. MIGLIORI: I don't	4	records.
5	need	5	Q. Okay. And would that
6	MR. McDONALD:	6	include transactional records that the
7	hesitating.	7	DEA or DOJ might request of a particular
8	MR. MIGLIORI: You know what	8	physician?
9	I'm saying.	9	A. Yes.
10	MR. McDONALD: You and I	10	Q. And would it be the practice
11	both know that he was hesitating	11	of Henry Schein to maintain that
12	and about to guess.	12	subpoena?
13	MR. MIGLIORI: And I agree	13	A. Yes.
14	with the instruction. And we can	14	Q. If there were a letter from
15	stipulate that it doesn't have to	15	a DEA field office or the DOJ asking for
16	be made again. Fair?	16	information voluntarily, would you
17	MR. McDONALD: Unless I feel	17	maintain that letter as well?
10	like he's about ready to guess	18	MR. McDONALD: Object to the
ΤЯ	again.	19	form.
		20	THE WITNESS: At the point
19	MR. MIGLIORI: Just try not	1	TILL WILLIAM THE MIC POINT
19 20	MR. MIGLIORI: Just try not to coach. We've had plenty of	21	of this SOP being written
19 20 21	to coach. We've had plenty of		of this SOP being written,
18 19 20 21 22 23	to coach. We've had plenty of issues with that.	21	regulatory would have.
19 20 21 22	to coach. We've had plenty of	21	

	2 2		further confidentiality Review
	Page 98		Page 100
1	point, that may have changed to	1	222 forms?
2	verifications?	2	A. No.
3	A. I said at some point it was	3	Q. And the sales and return or
4	changed, that the process includes	4	the 222 forms, did they apply to
	verifications, regulatory, with copy to	5	• 11 •
- 1	legal.	6	
7	_	7	Schedule II controlled substances.
	Q. Okay. And so at some point	8	
	it's not maintained just by regulatory,		Q. Okay. That so at least at
1,0	but three different departments would	1 2	this time in 2003, that was the
1	have that record somewhere	10	responsibility of the verification
11	MR. McDONALD: Objection.		department to produce, if requested,
12	BY MR. MIGLIORI:		correct?
13	Q or access to that record	13	A. Correct.
14	somewhere, correct?	14	Q. Did it remain the
15	MR. McDONALD: Object to the	15	verifications' responsibility through
16	form.	16	till today?
17	THE WITNESS: I didn't say	17	•
18	that. I said that the effort to	18	
19	put that information together will	19	- •
20	be shared. I said I don't really	20	
21	know where that record is	21	· · · · · · · · · · · · · · · · · · ·
22			- ·
23	maintained, what is the office of		they the department responsible for
	record for that record for right		producing them?
24	now.	24	A. They were the primary
	Page 99		Page 101
1	Page 99 BY MR. MIGLIORI:	1	Page 101 responsible for producing them.
1 2	-	1 2	responsible for producing them.
2	BY MR. MIGLIORI:		responsible for producing them. Q. Do they is that still
2	BY MR. MIGLIORI: Q. All right. And we don't have to talk about the other ones.	2	responsible for producing them. Q. Do they is that still true today?
2 3 4	BY MR. MIGLIORI: Q. All right. And we don't have to talk about the other ones. If you go to the previous	3	responsible for producing them. Q. Do they is that still true today? MR. McDONALD: Objection.
2 3 4 5	BY MR. MIGLIORI: Q. All right. And we don't have to talk about the other ones. If you go to the previous page, verifications has a list of records	2 3 4	responsible for producing them. Q. Do they is that still true today? MR. McDONALD: Objection. THE WITNESS: We don't
2 3 4 5 6	BY MR. MIGLIORI: Q. All right. And we don't have to talk about the other ones. If you go to the previous page, verifications has a list of records in your SOP here. And in verifications,	2 3 4 5	responsible for producing them. Q. Do they is that still true today? MR. McDONALD: Objection. THE WITNESS: We don't Sorry. We don't produce
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2 3 4 5 6 7 8	BY MR. MIGLIORI: Q. All right. And we don't have to talk about the other ones. If you go to the previous page, verifications has a list of records in your SOP here. And in verifications, 222 forms are the responsibility of the verifications department in 2003,	2 3 4 5 6 7 8	responsible for producing them. Q. Do they is that still true today? MR. McDONALD: Objection. THE WITNESS: We don't Sorry. We don't produce those reports anymore. BY MR. MIGLIORI:
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. MIGLIORI: Q. All right. And we don't have to talk about the other ones. If you go to the previous page, verifications has a list of records in your SOP here. And in verifications, 222 forms are the responsibility of the verifications department in 2003, correct, return forms? A. Yes. Q. In fact, that was one of that was your job title at this point in time, correct, returns? A. No. I wasn't in returns at that point. Q. In 2003? A. I was in regulatory affairs in 2003. Q. Okay. But this was your department before that, correct? You would have handled 222 forms when you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	responsible for producing them. Q. Do they is that still true today? MR. McDONALD: Objection. THE WITNESS: We don't Sorry. We don't produce those reports anymore. BY MR. MIGLIORI: Q. Did the monthly reports stop after the 2017 master's decision or some time before that, or was that the 2010 enhancement? MR. McDONALD: Object to the form. THE WITNESS: I don't remember when it stopped. BY MR. MIGLIORI: Q. After the monthly reporting and so there was a period of time at Henry Schein where suspicious orders were gathered and reported on a monthly basis to the DEA field office, correct?

	D 102		D 104
	Page 102		Page 104
1	form.	1	MR. McDONALD: Object to the
2	THE WITNESS: Do you mean	2	form.
3	the report of orders pended and	3	THE WITNESS: No. I don't
4	not released?	4	remember the process not being
5	BY MR. MIGLIORI:	5	compliant with the DEA
6	Q. I'm actually actually	6	requirements.
7	just using your words in your document.	7	BY MR. MIGLIORI:
8	There was a period of time when	8	Q. So as you sit here today as
9	suspicious monitoring monthly reports	9	the director of regulatory affairs, you
10	A. Yes.	10	cannot recall whether or not it was ever
11	Q were submitted to the DEA	11	acceptable to report suspicious orders on
12	field office on a monthly basis, correct?	12	a monthly basis and not when discovered?
13	A. Correct.	13	MR. McDONALD: Object to the
14	Q. Not when the suspicious	14	form.
15	orders were discovered, correct?	15	THE WITNESS: For a period
16	A. Correct.	16	of time it was industry-based
17	Q. And that was changed as a	17	practices and the DEA did accept
18	result of Buzzeo consulting with Henry	18	that.
19	Schein and coming up with an I think	19	BY MR. MIGLIORI:
20	you referred to it as an enhanced	20	Q. The the DEA accepted
21	suspicious order monitoring program that	21	that.
22	was implemented sometime in 2009,	22	Did a DEA person tell you
23	correct?	23	that that was acceptable ever?
24	MR. McDONALD: Object to the	24	A. Not personally.
	Mik. McDorvilla. Object to the		11. Two personally.
	Page 103		Page 105
1	form.	1	Q. No?
2	form. THE WITNESS: I'm sorry.	1 2	Q. No?A. But as a matter of fact, we
2 3	form.	2	Q. No? A. But as a matter of fact, we just got a communication maybe less than
3 4	form. THE WITNESS: I'm sorry. The question was kind of long, so	2 3 4	Q. No? A. But as a matter of fact, we just got a communication maybe less than two months ago of some one local
2 3	form. THE WITNESS: I'm sorry. The question was kind of long, so BY MR. MIGLIORI:	2 3 4 5	Q. No? A. But as a matter of fact, we just got a communication maybe less than two months ago of some one local office requesting that type of
3 4	form. THE WITNESS: I'm sorry. The question was kind of long, so	2 3 4 5	Q. No? A. But as a matter of fact, we just got a communication maybe less than two months ago of some one local office requesting that type of information.
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2 3 4 5 6 7 8	form. THE WITNESS: I'm sorry. The question was kind of long, so BY MR. MIGLIORI: Q. This change in this monthly reporting occurred as a result of Buzzeo consulting and advising you that it was noncompliant to report to the DEA on a	2 3 4 5 6	Q. No? A. But as a matter of fact, we just got a communication maybe less than two months ago of some one local office requesting that type of information. Q. Okay. Did you get the 2007 letters from Joe Rannazzisi, did you see those letters from the DEA in 2007 when
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	form. THE WITNESS: I'm sorry. The question was kind of long, so BY MR. MIGLIORI: Q. This change in this monthly reporting occurred as a result of Buzzeo consulting and advising you that it was noncompliant to report to the DEA on a monthly basis suspicious orders, correct? MR. McDONALD: Object to the form. THE WITNESS: I don't remember when we discontinued the report. BY MR. MIGLIORI: Q. Do you know if it was before 2009?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. No? A. But as a matter of fact, we just got a communication maybe less than two months ago of some one local office requesting that type of information. Q. Okay. Did you get the 2007 letters from Joe Rannazzisi, did you see those letters from the DEA in 2007 when they when they arrived in 2006 and 2007? A. The 2006 letter and the December 2007 letter. Q. Did you understand those letters when you received them? A. We did review the letters. Q. I didn't ask if you reviewed them. Did you understand them?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	form. THE WITNESS: I'm sorry. The question was kind of long, so BY MR. MIGLIORI: Q. This change in this monthly reporting occurred as a result of Buzzeo consulting and advising you that it was noncompliant to report to the DEA on a monthly basis suspicious orders, correct? MR. McDONALD: Object to the form. THE WITNESS: I don't remember when we discontinued the report. BY MR. MIGLIORI: Q. Do you know if it was before 2009? A. I don't remember. Q. Okay. But you understand that that process of monthly reporting was at some point terminated because it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. No? A. But as a matter of fact, we just got a communication maybe less than two months ago of some one local office requesting that type of information. Q. Okay. Did you get the 2007 letters from Joe Rannazzisi, did you see those letters from the DEA in 2007 when they when they arrived in 2006 and 2007? A. The 2006 letter and the December 2007 letter. Q. Did you understand those letters when you received them? A. We did review the letters. Q. I didn't ask if you reviewed them. Did you understand them? A. Yes. Q. Okay. Did you change your monthly suspicious monitoring reporting to a system where you now reported pended
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	form. THE WITNESS: I'm sorry. The question was kind of long, so BY MR. MIGLIORI: Q. This change in this monthly reporting occurred as a result of Buzzeo consulting and advising you that it was noncompliant to report to the DEA on a monthly basis suspicious orders, correct? MR. McDONALD: Object to the form. THE WITNESS: I don't remember when we discontinued the report. BY MR. MIGLIORI: Q. Do you know if it was before 2009? A. I don't remember. Q. Okay. But you understand that that process of monthly reporting	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. No? A. But as a matter of fact, we just got a communication maybe less than two months ago of some one local office requesting that type of information. Q. Okay. Did you get the 2007 letters from Joe Rannazzisi, did you see those letters from the DEA in 2007 when they when they arrived in 2006 and 2007? A. The 2006 letter and the December 2007 letter. Q. Did you understand those letters when you received them? A. We did review the letters. Q. I didn't ask if you reviewed them. Did you understand them? A. Yes. Q. Okay. Did you change your monthly suspicious monitoring reporting

	gnly Confidential - Subject to	_	<u> </u>
	Page 106		Page 108
1 b	pasis?	1	Q. Do you are you familiar
2	MR. McDONALD: Object to the	2	with any microfilm storage of documents
3	form.	3	and information or records maintained by
4	THE WITNESS: You mean based	4	Henry Schein?
5	on	5	MR. McDONALD: Object to the
6 E	BY MR. MIGLIORI:	6	form.
7	Q. No, at any point. Did you	7	You mean currently?
8 c	change that system?	8	THE WITNESS: We no
9	A. Yes.	9	MR. MIGLIORI: At any time.
10	Q. Is the verifications	10	For controlled substances.
11 d	lepartment responsible for producing	11	THE WITNESS: We no longer
I .	icensing information for all of your	12	have microfilm.
	eustomers?	13	BY MR. MIGLIORI:
14	A. They are responsible for	14	Q. Were you involved in any
15 n	naintaining and verifying the licensure	15	decisions to purge microfilm records?
	nformation for our customers.	16	A. No.
17	Q. Okay. Including DEA	17	Q. Are you familiar with any
		18	
19	egistration?	19	point in time when Henry Schein decided
20	A. Including DEA registrations.	20	to purge microfilm records?
	Q. Is the verifications	21	A. No.
	lepartment responsible for producing		Q. The ARCOS reporting, was
	locuments relating to the DEA NTIS tape?	l	that a record that was supposed to be
23	A. The DEA NTIS tape is part of	23	mamamed and produced by the
24 C	our verifications system. It is a	24	verifications department?
	Page 107		Page 109
1 s	Page 107 ervice that we use.	1	Page 109 MR. McDONALD: Object to the
1 S	_	1 2	_
2	ervice that we use.		MR. McDONALD: Object to the form.
2 3 a	ervice that we use. Q. Right. You and you	2	MR. McDONALD: Object to the form.
2 3 a	ervice that we use. Q. Right. You and you and you download from that service for	2 3	MR. McDONALD: Object to the form. BY MR. MIGLIORI:
2 3 a	Q. Right. You and you and you download from that service for each customer, correct?	2 3 4	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003?
2 3 a 4 e 5	Q. Right. You and you and you download from that service for each customer, correct? A. Yes.	2 3 4 5	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the
2 3 a 4 e 5	Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications,	2 3 4 5 6	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form.
2 3 a 4 e 5 6	ervice that we use. Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications, ight?	2 3 4 5 6 7	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form. THE WITNESS: So the ARCOS report is produced by the
2 3 a 4 e 5 6 7 r 8	Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications, ight? A. Yes. Q. And those records are the	2 3 4 5 6 7 8	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form. THE WITNESS: So the ARCOS report is produced by the verifications department based on
2 3 a 4 e 5 6 7 r 8 9 10 r	ervice that we use. Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications, ight? A. Yes. Q. And those records are the esponsibility of verifications	2 3 4 5 6 7 8	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form. THE WITNESS: So the ARCOS report is produced by the
2 3 a 4 e 5 6 7 r 8 9 10 r	Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications, ight? A. Yes. Q. And those records are the	2 3 4 5 6 7 8 9	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form. THE WITNESS: So the ARCOS report is produced by the verifications department based on the system information.
2 3 a 4 e 5 6 7 r 8 9 10 r 11 d	ervice that we use. Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications, ight? A. Yes. Q. And those records are the esponsibility of verifications lepartment to produce, correct?	2 3 4 5 6 7 8 9 10	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form. THE WITNESS: So the ARCOS report is produced by the verifications department based on the system information. BY MR. MIGLIORI:
2 3 a 4 e 5 6 7 r 8 9 10 r 11 d 12 13	ervice that we use. Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications, ight? A. Yes. Q. And those records are the esponsibility of verifications department to produce, correct? A. Correct. Q. The customer licenses and	2 3 4 5 6 7 8 9 10 11	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form. THE WITNESS: So the ARCOS report is produced by the verifications department based on the system information. BY MR. MIGLIORI: Q. And is that still true
2 3 a 4 e 5 6 7 r 8 9 10 r 11 d 12 13 14 I	ervice that we use. Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications, ight? A. Yes. Q. And those records are the esponsibility of verifications lepartment to produce, correct? A. Correct. Q. The customer licenses and DEA microfilm, that was required to be	2 3 4 5 6 7 8 9 10 11 12 13	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form. THE WITNESS: So the ARCOS report is produced by the verifications department based on the system information. BY MR. MIGLIORI: Q. And is that still true today? A. Yes.
2 3 a 4 e 5 6 7 r. 8 9 10 r. 11 d. 12 13 14 I. 15 p.	Pervice that we use. Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications, ight? A. Yes. Q. And those records are the esponsibility of verifications department to produce, correct? A. Correct. Q. The customer licenses and DEA microfilm, that was required to be produced as a record of the verifications	2 3 4 5 6 7 8 9 10 11 12 13	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form. THE WITNESS: So the ARCOS report is produced by the verifications department based on the system information. BY MR. MIGLIORI: Q. And is that still true today? A. Yes. Q. Go to the last pages.
2 3 a 4 e 5 6 7 r. 8 9 10 r. 11 d. 12 13 14 I. 15 p.	ervice that we use. Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications, ight? A. Yes. Q. And those records are the esponsibility of verifications lepartment to produce, correct? A. Correct. Q. The customer licenses and DEA microfilm, that was required to be	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form. THE WITNESS: So the ARCOS report is produced by the verifications department based on the system information. BY MR. MIGLIORI: Q. And is that still true today? A. Yes.
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2 3 a 4 e 5 6 7 r. 8 9 10 r. 11 d 12 13 14 I. 15 p. 16 d 17 18	ervice that we use. Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications, ight? A. Yes. Q. And those records are the esponsibility of verifications department to produce, correct? A. Correct. Q. The customer licenses and DEA microfilm, that was required to be produced as a record of the verifications department, correct? A. Correct. Q. And that contained	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form. THE WITNESS: So the ARCOS report is produced by the verifications department based on the system information. BY MR. MIGLIORI: Q. And is that still true today? A. Yes. Q. Go to the last pages. MR. McDONALD: Which page? MR. MIGLIORI: It ends in
2 3 a 4 e 5 6 7 r 8 9 10 r 11 d 12 13 14 I I 15 p 16 d 17 18 19 ii	ervice that we use. Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications, ight? A. Yes. Q. And those records are the esponsibility of verifications department to produce, correct? A. Correct. Q. The customer licenses and DEA microfilm, that was required to be produced as a record of the verifications department, correct? A. Correct. Q. And that contained enformation about including customer	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form. THE WITNESS: So the ARCOS report is produced by the verifications department based on the system information. BY MR. MIGLIORI: Q. And is that still true today? A. Yes. Q. Go to the last pages. MR. McDONALD: Which page? MR. MIGLIORI: It ends in 269.
2 3 a 4 e 5 6 7 r 8 9 10 r 11 d 12 13 14 I I 15 p 16 d 17 18 19 ii	ervice that we use. Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications, ight? A. Yes. Q. And those records are the esponsibility of verifications department to produce, correct? A. Correct. Q. The customer licenses and DEA microfilm, that was required to be produced as a record of the verifications department, correct? A. Correct. Q. And that contained	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form. THE WITNESS: So the ARCOS report is produced by the verifications department based on the system information. BY MR. MIGLIORI: Q. And is that still true today? A. Yes. Q. Go to the last pages. MR. McDONALD: Which page? MR. MIGLIORI: It ends in 269.
2 3 a 4 e 5 5 6 7 r 8 9 10 r 11 d 12 13 14 I 15 p 16 d 17 18 19 ii 20 d	Pervice that we use. Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications, light? A. Yes. Q. And those records are the esponsibility of verifications lepartment to produce, correct? A. Correct. Q. The customer licenses and DEA microfilm, that was required to be produced as a record of the verifications lepartment, correct? A. Correct. Q. And that contained enformation about including customer lue diligence, correct? A. Microfilm?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form. THE WITNESS: So the ARCOS report is produced by the verifications department based on the system information. BY MR. MIGLIORI: Q. And is that still true today? A. Yes. Q. Go to the last pages. MR. McDONALD: Which page? MR. MIGLIORI: It ends in 269.
2 3 a 4 e 5 6 7 r 8 9 10 r 11 d 12 13 14 I I 15 p 16 d 17 18 19 ii 20 d 21 22	Pervice that we use. Q. Right. You and you and you download from that service for each customer, correct? A. Yes. Q. It's part of verifications, light? A. Yes. Q. And those records are the esponsibility of verifications elepartment to produce, correct? A. Correct. Q. The customer licenses and DEA microfilm, that was required to be produced as a record of the verifications elepartment, correct? A. Correct. Q. And that contained enformation about including customer elue diligence, correct? A. Microfilm? Q. This this particular DEA	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. In 2003? MR. McDONALD: Object to the form. THE WITNESS: So the ARCOS report is produced by the verifications department based on the system information. BY MR. MIGLIORI: Q. And is that still true today? A. Yes. Q. Go to the last pages. MR. McDONALD: Which page? MR. MIGLIORI: It ends in 269.
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- Q. So -- so at this point,
- 10 those 222 forms were maintained as hard 11 copies?
- 12 A. Yes.
- 13 Q. Is there a file room for
- those hard copies? Where would you go
- for those hard copies?
- 16 A. I will go to the
- verifications department. 17
- 18 Q. Okay. And are they still maintained in hardcopy? 19
- 20 MR. McDONALD: Well, can --21 I'd like to clarify the record.
- 22 You said so at this point. Did
- 23 you mean today or did you mean at
- 24 the time of this document?

¹ is a combination of. We have implemented

- ² a controlled substance ordering system.
- ³ So some customers may still order using
- ⁴ 222 forms. Some customers order using ⁵ CSOS.
- Q. And those are maintained by the verifications department today?
 - A. The 222 forms?
- Q. Yes.
- 10 A. Yes.
 - Q. Okay. Does verifications
- still maintain the -- the current
- suspicious monitoring reporting, not the
- monthly, but the current reporting
- system?

11

- 16 A. The current reporting system
- is shared. Verifications will report
- some suspicious orders, regulatory will
- report some others. 20
 - Q. Based on what?
- 21 A. Based on who did the review.
- ²² Based on what type of restriction it
- 23 wants.
 - Is it fair to say that the Q.

Page 111

MR. MIGLIORI: Well, first I

said at this point, and now I said I said still today.

MR. McDONALD: Okay. I just want to be sure that when he

6 answered at this point, he 7 meant -- he understood you to say

at the time this document was

prepared.

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17

That's how you were answering the question. I just want it to be clear.

MR. MIGLIORI: Sure.

THE WITNESS: Right, so at -- at the time this document was produced, the 222 forms, verifications was responsible to

18 produce them to maintaining.

19 That's --

BY MR. MIGLIORI:

- 21 Q. My question is today, are ²² 222 forms maintained as hard copies to
- your knowledge? 24
 - A. To my knowledge I think it

¹ percentage of review would be what we

Page 113

- ² discussed earlier, that -- that -- about
- ³ 85 to 88 percent of the suspicious
- ⁴ reporting is managed at the verifications
- ⁵ level and the balance, 12 to 15 percent,
- ⁶ is managed at the regulatory affairs
- ⁷ department level?
 - A. You mean that verifications,
- when it comes to regulatory, is about
- 15 percent of the volume, yes.
 - Q. Okay. On the last page it talks about the document retention and
- 13 regulatory affairs. And it says that the
- product distribution history is in the
- JDE system and it's to be maintained for 16 ten years.

17 Do you see that?

A. I see that.

18

- 19 Q. And that's for controlled
- substances as well, correct?
- 21 A. That was mainly for recall, product recall purposes.
- Q. Okay. The next one says,
- ²⁴ "Customer purchase history for controlled

Page 114 Page 116 ¹ substances only, has controlled purchases ¹ records. ² by DEA number (report), WCS" -- that's Q. Okay. And do you know when ³ the warehouse control system -- "for ten ³ that order was implemented relative to ⁴ this type of information for controlled 4 years." 5 substances? That's how long the record ⁶ retention program was for customer MR. McDONALD: You mean the purchase history in 2003? litigation document hold? 8 A. That is correct. 8 MR. MIGLIORI: Mm-hmm. Q. Is that still the record 9 MR. McDONALD: You just said 10 10 retention policy? order. He looked puzzled by what 11 A. Record retention policy 11 you meant by that. 12 12 right now for controlled substances, THE WITNESS: Yeah, the ¹³ because of the Drug Quality and Security 13 document hold, I don't remember 14 ¹⁴ Act has been revised. exactly. O. And what is it now? BY MR. MIGLIORI: A. Six years. 16 Q. If you were to go right now 17 Q. And when did that change? and go look at the orders in Ohio of 18 A. I don't remember. controlled substances, where would you 19 19 O. And the basis for that was go? 20 which statute? A. Well, I could ask 21 A. Drug Quality and Security ²¹ verifications to run a report. ²² Act. 23 Q. And so did it reduce from ²⁴ ten to six as a result of that act? Page 117 Page 115

A. So I know that today, that ² is the record retention. I don't know ³ when this changed. Q. Okay. If there is ⁵ litigation, is that handled or is that ⁶ dealt with in the Schein document O. It doesn't come out --

24

strike that.

⁷ retention program relative to this type

of purchase history?

MR. McDONALD: Object to the 10 form.

11 THE WITNESS: I'm sorry. I 12 don't understand the question.

13 BY MR. MIGLIORI:

Q. Sure. Have you been asked ¹⁵ not to purge or destroy any records ¹⁶ relevant to customer purchase history during the pendency of this litigation?

18 A. Yes. 19 Q. And that would include these ²⁰ types of documents here, correct, the ²¹ controlled purchases by DEA number of ²² Schein customers, correct? A. Well, that will include ²⁴ whatever was in my possession or on my

This has a title that's been added for purposes of this litigation. Do you see that on top, Schein Summit County customers? A. Yes. 13 Q. And it has opioid orders ¹⁴ from 2001 to 2008. 15 Do you see that? A. Yes. 16 17 Q. Who would put that information on top of an Excel spreadsheet like this? 20 MR. McDONALD: Object to the 21 form. ²² BY MR. MIGLIORI: 23 Q. Do you know?

Whoever was responsible to

Page 118 Page 120 ¹ prepare this report. information, I want to understand O. What does this report what his recollection or knowledge ³ demonstrate? Take Line 1 and walk me is of it. And he can limit it, ⁴ through it. obviously, to what he knows. ⁵ BY MR. MIGLIORI: Is this a -- is this a ⁶ purchase history? Is this a product Q. But if you look at ⁷ distribution history? Is this one of the Exhibit 5, Mr. Tejeda, what is this, as ⁸ documents that comes out of the warehouse best you can tell as director of ⁹ control system? Or does it come out of regulatory affairs at Henry Schein? ¹⁰ the JD Edwards system? Tell me what you A. It's a report that was ¹¹ can tell me from looking at this produced as a request of information for 12 ¹² Exhibit 5. this litigation. 13 13 Q. So as I'm looking at this MR. McDONALD: Object to the 14 form. Lack of foundation. Exhibit 5, this is not a document that's 15 kept in this form, correct? This is a MR. MIGLIORI: I'll 16 query in a report of things that were stipulate that there's a lack of 17 particularly asked for. Is that a fair foundation. That's why I'm trying 18 to figure out what the heck this statement? 19 19 thing says. A. That is my understanding. 20 20 Q. Okay. And so somebody came MR. McDONALD: Well, and 21 up with parameters of what to put into with all due respect, Don, I don't 22 think he's the guy to do it. this Excel spreadsheet, and these are the 23 MR. MIGLIORI: Well, I just ²³ different fields that were requested, 24 got it this weekend. So I don't ²⁴ correct? Page 119 Page 121 have any more depositions to find 1 A. Yes. 2 out. Q. And can you tell by looking 3 MR. McDONALD: Well, you ³ at this where these fields come from; 4 know, Don, as I have told your ⁴ that is, which system this reporting 5 colleagues, if there's some issue comes out of? 6 with documents that were recently MR. McDONALD: Again, object 7 to the form. Lack of foundation. produced that's --8 THE WITNESS: I can't. MR. MIGLIORI: We'll get to 9 BY MR. MIGLIORI: it. 10 MR. McDONALD: I know. Let 10 Q. Okay. And if you were to 11 ask for the opioid orders from 2001 to 11 me finish because I want it clear 12 2008 as director of regulatory affairs, on the record. If there is some 13 ¹³ who would you ask for this information issue with documents that we 14 recently produced and the person 14 from? Who is required to produce it 15 under the Henry Schein retention program? that knows the most about it or MR. McDONALD: Object to the 16 16 can explain to you has already 17 17 been deposed, we're happy to have form. Assumes facts not in 18 18 a conversation with you to evidence. 19 19 facilitate that process. THE WITNESS: I would define 20 20 MR. MIGLIORI: I appreciate the parameters as far as what type 21 the offer. I want to understand, 21 of information were you looking 22 22 since he is responsible for this for, and I think I will ask the 23 type of information or the 23 verifications team for the report. 24 production of this type of ²⁴ BY MR. MIGLIORI:

- Page 122 Page 124 Q. Now, it says opioid orders. A. Multiple references to the ² And so as you go through it, it seems name of the account or --³ like most of these are self --Q. It says under mailing, but ⁴ self-explanatory. But I can't tell how ⁴ it has a name. ⁵ this is organized; that is, the dates A. Okay. Okay. Q. Do you see where I am? ⁶ aren't chronological. 6 Can you tell, in the A. Adolph. 8 ⁸ ordinary course of business, looking at a Q. Harper Junior. ⁹ sheet like this, how this may have been 9 A. Okay. 10 ¹⁰ organized? Q. And then it's got orders that range from 2000 -- best I can tell, 11 MR. McDONALD: You mean how 12 2004 to 2008 over the next several pages. it's sorted? 13 MR. MIGLIORI: Yeah. 13 2003. I see one entry of ¹⁴ 2003. ¹⁴ BY MR. MIGLIORI: 15 A. Q. I mean, the order dates are Yes. ¹⁶ not chronological. The ordering 16 Q. Do you know who Dr. Harper ¹⁷ is? physicians are not -- repeat themselves. ¹⁸ So I'm just trying -- again, it seems 18 A. I don't. 19 19 like the most -- it seems to be organized Q. Did you do anything to educate yourself on the amount of volume ²⁰ in part by practitioner. But I'm just Dr. -- any of the doctors in Summit 21 trying to get a sense of how you would ²² read this. ²² County ordered in preparation for today? 23 A. No, I didn't. A. I would read that it seems
- ²⁴ to be organized by practitioner by

Page 123

¹ account.

- Q. Okay. And so did you review ³ this in preparation for today?
- A. No, I didn't.
- Q. Were you advised who would ⁶ request the certain fields of information ⁷ to be gathered and printed into this? ⁸ Were you part of that process or know who ⁹ was part of that process?
- A. I think the request came 10 ¹¹ from legal.
- 12 Q. Okay. And did it -- was it 13 Shaun Abreu or his department that would

¹⁴ have put this together? 15

MR. McDONALD: Object to the form.

17 THE WITNESS: I am not sure 18 who put it together.

¹⁹ BY MR. MIGLIORI:

16

Q. Okay. Let's take another ²¹ example. If you go to Page 11 and 12.

²² You see there are multiple references to

²³ Adolph Harper, Junior. 24

Do you see that?

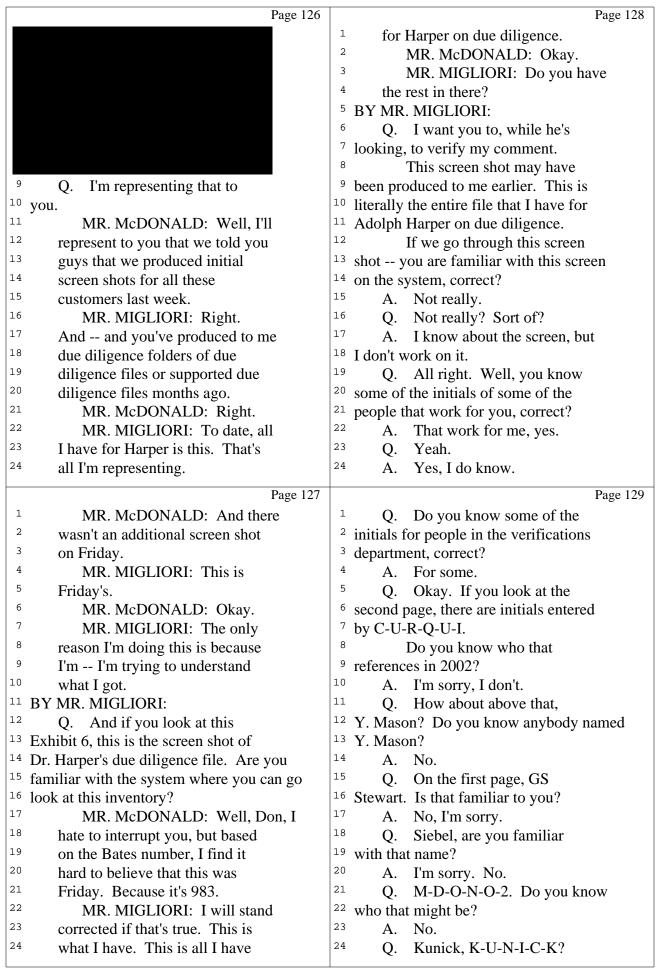


BY MR. MIGLIORI:

10 Q. Have you -- the due ¹¹ diligence file for Henry Schein, is that something that you maintain in your ¹³ department or you were responsible for producing today? 15 A. Again, it depends on if

¹⁶ regulatory conducted that due diligence, yes. And if it was conducted by ¹⁸ verifications, then verifications will

¹⁹ produce it.



	Page 130		Page 132
1	A. No. I I wouldn't tell	1	and how we maintain it, I can answer
2	I couldn't tell you who that identifies.	2	that.
3	Q. N-M-A-L-N-O. Do you know	3	Q. Well, right now I want to
4	who that might be?	4	know what you can tell me, if anything,
5	A. No.	5	about Dr. Harper. This is the
6	Q. D. Marin. Do you know who	6	A. I have no specifics for
7	that might be referencing?	7	Dr. Harper.
8	A. No.	8	Q. You can't read any of these
9	Q. How about D-B-L-A?	9	abbreviations and tell me that "letter on
10	A. No.	10	file pain meds," you don't know what that
11	Q. D. Hagan. Do you know who	11	reference is?
12	that is?	12	A. I will be guessing.
13	A. No.	13	Q. I don't want you to guess.
14	Q. T-H-A-R-R-2?	14	W/IV S/A X10. That means
15	A. I don't know what who	15	nothing to you?
16	that would identify.	16	A. I know that the W is with.
17	Q. And how about R-S-W-A-I-M?	17	The I is image. I don't recall what V
18	Do you know who that might reference?	18	is.
19	A. No.	19	Q. Okay. Is there a document
20	Q. So you see that this is a	20	that's associated with that?
21	you understand from your knowledge of the	21	A. I don't know.
	system that this is a computer printout	22	Q. What is a T-D-D-D letter? I
	referencing certain due diligence steps	23	may have said too many Ds.
	related to this particular doctor,	24	A. TDDD is an acronym for
	Page 131		Page 133
1	correct, you understand that much?	1	terminal drug distributor or dangerous
2	A. I understand that this is a		e e
		3	drug distributor. Q. What does that mean?
	printout of customer service part of the system that records some changes that	4	
	were made in the system or some notes.	-	A. It's a license specific
	were made in the system of some noies	5	licence issued by Ohio
			license issued by Ohio.
6	Q. Okay. Each one of these	6	Q. For what?
7	Q. Okay. Each one of these notes should have a document associated	7	Q. For what?A. For practitioners that
7 8	Q. Okay. Each one of these notes should have a document associated with it, correct, in the system?	6	Q. For what?A. For practitioners that handle controlled substances, if I
7 8 9	Q. Okay. Each one of these notes should have a document associated with it, correct, in the system? MR. McDONALD: Object to the	6 7 8 9	Q. For what? A. For practitioners that handle controlled substances, if I remember correctly.
7 8 9 10	Q. Okay. Each one of these notes should have a document associated with it, correct, in the system? MR. McDONALD: Object to the form.	6 7 8 9 10	Q. For what?A. For practitioners thathandle controlled substances, if Iremember correctly.Q. And is there a particular
7 8 9 10 11	Q. Okay. Each one of these notes should have a document associated with it, correct, in the system? MR. McDONALD: Object to the form. THE WITNESS: I don't know.	6 7 8 9 10 11	 Q. For what? A. For practitioners that handle controlled substances, if I remember correctly. Q. And is there a particular right or privilege that goes along with
7 8 9 10 11 12	Q. Okay. Each one of these notes should have a document associated with it, correct, in the system? MR. McDONALD: Object to the form. THE WITNESS: I don't know. BY MR. MIGLIORI:	6 7 8 9 10 11 12	Q. For what? A. For practitioners that handle controlled substances, if I remember correctly. Q. And is there a particular right or privilege that goes along with that Ohio distinction?
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Okay. Each one of these notes should have a document associated with it, correct, in the system? MR. McDONALD: Object to the form. THE WITNESS: I don't know. BY MR. MIGLIORI: Q. As director of regulatory affairs, do you have any knowledge whatsoever of how you maintain your due diligence files? A. Absolutely. Q. So tell me how you maintain them for a doctor like Dr. Harper, given that in this litigation, this is what I have to go by?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. For what? A. For practitioners that handle controlled substances, if I remember correctly. Q. And is there a particular right or privilege that goes along with that Ohio distinction? A. They implemented that program to provide additional ordering privilege to practitioners, yes. Q. For what purpose? A. I will answer your question. May I ask you, the spelling of my right my last name is T-E-J-E-D-A. MR. MIGLIORI: You can make

Highly Confidential Subject t	
Page 134 1 Lapologize But we will fix	Page 136
Tapologize. But we will lix	¹ order number, correct?
uiai.	A. Collect.
THE WITHLOS. ORay. Thank	Q. What does no stand for:
you. Thi sorry, can you repeat	A. Saics order.
5 your question?	Q. What is a fine reference:
6 BY MR. MIGLIORI:	A. I don't know.
Q. Is there a particular right	Q. Do you know what item number
8 or privilege that goes along with the	8 reference is? 9 \(\Delta \) It's the SKU for the
9 Ohio distinction of TDDD? 10 MR McDONALD: Object to the	A. It's the Sixe for the
WIK. WICDONALD. Object to the	specific product.
11 form.	Q. Okay. There's a ship
12 BY MR. MIGLIORI:	12 number. Is there a separate tracking
Q. What's the purpose of that	number for shipment? What is ship?
14 privilege?	A. Ship number is the ship to
MR. McDONALD: Object to	15 location.
form.	Q. So that's specific to this
THE WITNESS: I will have to	17 doctor?
go back to the file to review all	A. That is specific to that
the ins and out of the regulation.	19 doctor.
²⁰ BY MR. MIGLIORI:	Q. And the bill is the same
Q. If you were to read through	number, and not specific to this doctor?
22 Exhibit Number 6 and go through any line	A. The ship is where we're
of Dr. Harper, you'd be able to find out	23 shipping. The bill is where we send the
²⁴ an order number, correct? If you just	24 invoices.
Page 135	Page 137
Page 135 1 take the categories on top. I'm now back	Page 137 Q. Okay. The drug order class
¹ take the categories on top. I'm now back	¹ Q. Okay. The drug order class
 take the categories on top. I'm now back on Exhibit 6. MR. McDONALD: Oh, different. He's on this one. 	Q. Okay. The drug order class of the controlled schedule?
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	D 100	O 1	D 140
	Page 138		Page 140
	doctor's zip code and then there's a		BY MR. MIGLIORI:
2	number for a distribution center.	2	Q. Or of oxy?
3	Do you know which	3	MR. McDONALD: Object to the
	distribution center this is on Page 13	4	form.
5	that's referenced in all of these orders?	5	THE WITNESS: So you are
6	A. On Page 13?	6	looking at Page 3, right?
7	Q. Yep. I assume it's true	7	BY MR. MIGLIORI:
8	throughout. But I'm only looking on Page	8	Q. 13.
10	13 now. The distribution center	9	MR. McDONALD: 13.
	A. So the distribution center,	١	THE WITNESS: I mean 13.
12	there was a couple of them, right?	11	DT MIK. MIGDIOKI.
	Q. I just see the ones that end	12	Q. I'm looking at the very last
14	in 002.	14	column under strength?
15	A. 002.	15	A. Page 13, okay.
16	Q. Is that Indianapolis?		Q. All the way at the end.
17	A. Indicating Indianapolis.		Strength, when it says
18	Q. The quantity shipped is the		7.5/750 milligrams, when you combine the
19	amount of orders shipped?	1	last two columns it's 500 pills of that
20	A. Quantity shipped will be the	20	dosage strength, correct, for that
21	amount of selling units. Q. Okay. What is UOM?	21	particular order.
22	Q. Okay. What is UOM?A. Unit of measure.	22	A. For yes, for hydrocodone, yes.
23	Q. And what does BT stand for?	23	Q. Times two bottles, correct?
24	A. Bottle.	24	A. Depending what it says in
	Page 139		Page 141
1	Q. Bottle. And then the size		the quantity shipped.
2	Q. Bottle. And then the size would be the number of milligrams per	2	the quantity shipped. Q. Right. On the first line.
2	Q. Bottle. And then the size would be the number of milligrams per bottle?	3	the quantity shipped. Q. Right. On the first line. So in this particular order, there were
2	Q. Bottle. And then the size would be the number of milligrams per bottle? MR. McDONALD: Object to the	3 4	the quantity shipped. Q. Right. On the first line. So in this particular order, there were two separate orders of 500 pills at the
2 3 4 5	Q. Bottle. And then the size would be the number of milligrams per bottle? MR. McDONALD: Object to the form.	2 3 4 5	the quantity shipped. Q. Right. On the first line. So in this particular order, there were two separate orders of 500 pills at the strength 7.5/750, correct?
2 3 4 5 6	Q. Bottle. And then the size would be the number of milligrams per bottle? MR. McDONALD: Object to the form. BY MR. MIGLIORI:	2 3 4 5 6	the quantity shipped. Q. Right. On the first line. So in this particular order, there were two separate orders of 500 pills at the strength 7.5/750, correct? MR. McDONALD: Object to the
2 3 4 5 6 7	Q. Bottle. And then the size would be the number of milligrams per bottle? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Is that what is the	2 3 4 5 6 7	the quantity shipped. Q. Right. On the first line. So in this particular order, there were two separate orders of 500 pills at the strength 7.5/750, correct? MR. McDONALD: Object to the form.
2 3 4 5 6 7 8	Q. Bottle. And then the size would be the number of milligrams per bottle? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Is that what is the 500/BT on the first line of Page 13 for	2 3 4 5 6 7 8	the quantity shipped. Q. Right. On the first line. So in this particular order, there were two separate orders of 500 pills at the strength 7.5/750, correct? MR. McDONALD: Object to the form. THE WITNESS: I'm sorry,
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2 3 4 5 6 7 8 9	Q. Bottle. And then the size would be the number of milligrams per bottle? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Is that what is the 500/BT on the first line of Page 13 for hydrocodone? A. That would indicate	2 3 4 5 6 7 8 9	the quantity shipped. Q. Right. On the first line. So in this particular order, there were two separate orders of 500 pills at the strength 7.5/750, correct? MR. McDONALD: Object to the form. THE WITNESS: I'm sorry, what particular order? I thought we were under purchase in general?
2 3 4 5 6 7 8 9 10	Q. Bottle. And then the size would be the number of milligrams per bottle? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Is that what is the 500/BT on the first line of Page 13 for hydrocodone? A. That would indicate Q. Dosage?	2 3 4 5 6 7 8 9 10	the quantity shipped. Q. Right. On the first line. So in this particular order, there were two separate orders of 500 pills at the strength 7.5/750, correct? MR. McDONALD: Object to the form. THE WITNESS: I'm sorry, what particular order? I thought we were under purchase in general? BY MR. MIGLIORI:
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Bottle. And then the size would be the number of milligrams per bottle? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Is that what is the 500/BT on the first line of Page 13 for hydrocodone? A. That would indicate Q. Dosage? A the selling unit size. Q. So which is what for 500/BT? A. 500 per bottle. Q. 500 what?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	the quantity shipped. Q. Right. On the first line. So in this particular order, there were two separate orders of 500 pills at the strength 7.5/750, correct? MR. McDONALD: Object to the form. THE WITNESS: I'm sorry, what particular order? I thought we were under purchase in general? BY MR. MIGLIORI: Q. Page 13. Page 13. Stay on the top line. A. Okay. Top line. Q. Just go to the last two columns
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Bottle. And then the size would be the number of milligrams per bottle? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Is that what is the 500/BT on the first line of Page 13 for hydrocodone? A. That would indicate Q. Dosage? A the selling unit size. Q. So which is what for 500/BT? A. 500 per bottle. Q. 500 what? A. In this case tablets. Q. 500 hydrocodone tablets of a strength of 7.5 codeine and 750 milligrams A. Correct.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	the quantity shipped. Q. Right. On the first line. So in this particular order, there were two separate orders of 500 pills at the strength 7.5/750, correct? MR. McDONALD: Object to the form. THE WITNESS: I'm sorry, what particular order? I thought we were under purchase in general? BY MR. MIGLIORI: Q. Page 13. Page 13. Stay on the top line. A. Okay. Top line. Q. Just go to the last two columns A. Okay. Q last four columns. There were two bottles sent of 500 pills in each bottle at the strength of 7.5/750 milligrams, correct?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Bottle. And then the size would be the number of milligrams per bottle? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Is that what is the 500/BT on the first line of Page 13 for hydrocodone? A. That would indicate Q. Dosage? A the selling unit size. Q. So which is what for 500/BT? A. 500 per bottle. Q. 500 what? A. In this case tablets. Q. 500 hydrocodone tablets of a strength of 7.5 codeine and 750 milligrams A. Correct.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the quantity shipped. Q. Right. On the first line. So in this particular order, there were two separate orders of 500 pills at the strength 7.5/750, correct? MR. McDONALD: Object to the form. THE WITNESS: I'm sorry, what particular order? I thought we were under purchase in general? BY MR. MIGLIORI: Q. Page 13. Page 13. Stay on the top line. A. Okay. Top line. Q. Just go to the last two columns A. Okay. Q last four columns. There were two bottles sent of 500 pills in each bottle at the strength of 7.5/750 milligrams, correct? A. That's my understanding.

Highly Confidential - Subject to	
Page 142	Page 144
¹ present. ² (Document marked for	A. At the time? Were you ever made aware of
(Document marked for	Q. Welle you ever made aware or
identification as Exhibit	3 that?
Henry Schein-Tejeda-7.)	4 A. No.
THE WITNESS: Thank you.	Q. And I showed you Exhibit 6,
6 BY MR. MIGLIORI:	6 which I believe was the printout of his
Q. If you look on the top of	⁷ due diligence file, or at least the
8 these two documents, it says, "Due	8 inventory of the computer screen shots of
⁹ diligence documents." Transactional	⁹ his due diligence file. Is there
records are not due diligence, are they,	anything on there that pops out at you to
in Schein's system?	suggest that he might be the largest
A. Transactional documents are	¹² customer of Henry Schein in Summit County
13 not due diligence.	¹³ based on dosage units?
Q. You you would you	A. Do you want me to go over
would agree with me that Exhibit 7 that	the whole report to see who is the
we're looking at and Exhibit 5 that we	¹⁶ largest? Oh.
were looking at, these are summaries of	Q. No, I'm asking you whether
¹⁸ transactional information, correct?	¹⁸ by looking at this particular due
¹⁹ These are opioid orders, the first from	¹⁹ diligence printout, if there's anything
20 2001 to 2008, the second post January of	²⁰ that pops out at you.
²¹ 2009. These are transactional records,	You can see it's the
22 correct?	²² verifications group that produced this
A. The way I read it.	²³ document.
Q. And so these aren't due	But I'm asking, by looking
Page 143	Page 145
Page 143 diligence documents the way the title	Page 145 1 at it as director of regulatory affairs,
_	
¹ diligence documents the way the title	¹ at it as director of regulatory affairs,
 diligence documents the way the title reads, correct? 	 at it as director of regulatory affairs, whether anything pops out at you that
 diligence documents the way the title reads, correct? MR. McDONALD: Object to the 	 at it as director of regulatory affairs, whether anything pops out at you that this is a large volume customer of Henry
 diligence documents the way the title reads, correct? MR. McDONALD: Object to the form. 	 at it as director of regulatory affairs, whether anything pops out at you that this is a large volume customer of Henry Schein or
 diligence documents the way the title reads, correct? MR. McDONALD: Object to the form. THE WITNESS: Yeah, I 	 at it as director of regulatory affairs, whether anything pops out at you that this is a large volume customer of Henry Schein or MR. McDONALD: Object to the
 diligence documents the way the title reads, correct? MR. McDONALD: Object to the form. THE WITNESS: Yeah, I don't I don't think these are 	 at it as director of regulatory affairs, whether anything pops out at you that this is a large volume customer of Henry Schein or MR. McDONALD: Object to the form.
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 diligence documents the way the title reads, correct? MR. McDONALD: Object to the form. THE WITNESS: Yeah, I don't I don't think these are due diligence documents. BY MR. MIGLIORI: Q. Okay. And so you'll see that the information is organized the same for Exhibit Number 7. And again, 	 at it as director of regulatory affairs, whether anything pops out at you that this is a large volume customer of Henry Schein or MR. McDONALD: Object to the form. THE WITNESS: Again, we don't work with this. BY MR. MIGLIORI: Q. I'm sorry, I didn't hear
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diligence documents the way the title reads, correct? MR. McDONALD: Object to the form. THE WITNESS: Yeah, I don't I don't think these are due diligence documents. BY MR. MIGLIORI: Q. Okay. And so you'll see that the information is organized the same for Exhibit Number 7. And again, there are a couple more entries on Page 2 for Dr. Harper. Here he got a total of nine more bottles, 500 pills in each bottle, of the same dosage that we just discussed 7.5/750 milligrams. Do you see that? A. Yes, I see it. Q. And were you aware that he	at it as director of regulatory affairs, whether anything pops out at you that this is a large volume customer of Henry Schein or MR. McDONALD: Object to the form. THE WITNESS: Again, we don't work with this. BY MR. MIGLIORI: Q. I'm sorry, I didn't hear you. A. So no, we don't work with this. Q. Okay. So if there were sovernment inquiries about this doctor in 2010, would those records be the verifications department or the regulatory department's obligation to produce? MR. McDONALD: Object to the
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Tighly Confidential "- Subject"t	
Page 146	Page 148
Q. Would it be a joint	Q. From whom?
² responsibility by 2010?	A. I think it was DEA.
3 A. I'm sorry?	Q. And what do you recall the
Q. Would it be a joint	⁴ document requesting?
⁵ responsibility by 2010?	5 A. Records of transaction
6 A. I know it is a joint	6 records I think.
⁷ responsibility now.	⁷ Q. And were you involved
8 Q. It is now?	8 did did you receive that request
9 A. Yes.	⁹ did you see that request at the time?
Q. So that those documents	10 A. No.
would exist somewhere still if the	Q. Did you receive it in
there was such an inquiry?	preparation for today, did you look at it
A. Dr. Harper, if it was	13 in preparation for today?
inquiry when?	A. I think I saw it in one of
Q. In 2010? Would you still	15 the meetings.
have those records?	Q. One of the meetings with
A. I don't know. But if I go	17 counsel to prepare for today's
by the record retention, I wouldn't think	18 deposition? 19 A Mm-hmm
	71. Williamin.
Q. Were you aware or the fact	Q. 1cs.
that Dr. Harper was sentenced to ten vears in prison for illegal	11. 105.
years in prison for megar	Q. Where would that request in
²³ prescription	23 2012 be documented, that is, which
124 A No.	1/4 deportment would be required under the
²⁴ A. No.	²⁴ department would be required under the
Page 147	Page 149
Page 147 Q of opioids and controlled	Page 149 document retention policy to produce that
Page 147 1 Q of opioids and controlled 2 substances?	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory,
Page 147 Q of opioids and controlled substances? A. No.	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them?
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know.
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users?	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No.	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information?
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No. Q. The second largest volume by	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No. Q. The second largest volume by dosage in this county is a Dr. Name Brian	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information?
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No. Q. The second largest volume by dosage in this county is a Dr. Name Brian Heim. Are you familiar with Dr. Heim?	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information?
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No. Q. The second largest volume by dosage in this county is a Dr. Name Brian Heim. Are you familiar with Dr. Heim? A. No. I have heard the name,	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information?
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No. Q. The second largest volume by dosage in this county is a Dr. Name Brian Heim. Are you familiar with Dr. Heim? A. No. I have heard the name, but not familiar with his file.	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information?
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No. Q. The second largest volume by dosage in this county is a Dr. Name Brian Heim. Are you familiar with Dr. Heim? A. No. I have heard the name, but not familiar with his file. Q. Have you ever seen any	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information?
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No. Q. The second largest volume by dosage in this county is a Dr. Name Brian Heim. Are you familiar with Dr. Heim? A. No. I have heard the name, but not familiar with his file. Q. Have you ever seen any documentation of the DOJ and the DEA	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information? 8 A. No.
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No. Q. The second largest volume by dosage in this county is a Dr. Name Brian Heim. Are you familiar with Dr. Heim? A. No. I have heard the name, but not familiar with his file. Q. Have you ever seen any documentation of the DOJ and the DEA sking Henry Schein for his transactional	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information? 8 A. No. 15 MR. McDONALD: And there was
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No. Q. The second largest volume by dosage in this county is a Dr. Name Brian Heim. Are you familiar with Dr. Heim? A. No. I have heard the name, but not familiar with his file. Q. Have you ever seen any documentation of the DOJ and the DEA saking Henry Schein for his transactional information?	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information? 8 A. No. 15 MR. McDONALD: And there was a supplementation to Dr. Heim
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No. Q. The second largest volume by dosage in this county is a Dr. Name Brian Heim. Are you familiar with Dr. Heim? A. No. I have heard the name, but not familiar with his file. Q. Have you ever seen any documentation of the DOJ and the DEA asking Henry Schein for his transactional information? A. I may have seen a copy of	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information? 8 A. No. 15 MR. McDONALD: And there was 16 a supplementation to Dr. Heim 17 produced to you last week.
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No. Q. The second largest volume by dosage in this county is a Dr. Name Brian Heim. Are you familiar with Dr. Heim? A. No. I have heard the name, but not familiar with his file. Q. Have you ever seen any documentation of the DOJ and the DEA asking Henry Schein for his transactional information? A. I may have seen a copy of	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information? 8 A. No. 15 MR. McDONALD: And there was 16 a supplementation to Dr. Heim 17 produced to you last week. 18 MR. MIGLIORI: Did we get
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No. Q. The second largest volume by dosage in this county is a Dr. Name Brian Heim. Are you familiar with Dr. Heim? A. No. I have heard the name, but not familiar with his file. Q. Have you ever seen any documentation of the DOJ and the DEA asking Henry Schein for his transactional information? A. I may have seen a copy of it.	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information? 8 A. No. 15 MR. McDONALD: And there was 16 a supplementation to Dr. Heim 17 produced to you last week. 18 MR. MIGLIORI: Did we get 19 that?
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No. Q. The second largest volume by dosage in this county is a Dr. Name Brian Heim. Are you familiar with Dr. Heim? A. No. I have heard the name, but not familiar with his file. Q. Have you ever seen any documentation of the DOJ and the DEA saking Henry Schein for his transactional information? A. I may have seen a copy of it.	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information? 8 A. No. 15 MR. McDONALD: And there was 16 a supplementation to Dr. Heim 17 produced to you last week. 18 MR. MIGLIORI: Did we get 19 that? 20 MR. DUANE: It was noted in
Page 147 1 Q of opioids and controlled 2 substances? 3 A. No. 4 Q. Were you aware that 5 prosecutors connect him to eight deaths 6 of opioid-addicted users? 7 A. No. 8 Q. The second largest volume by 9 dosage in this county is a Dr. Name Brian 10 Heim. Are you familiar with Dr. Heim? 11 A. No. I have heard the name, 12 but not familiar with his file. 13 Q. Have you ever seen any 14 documentation of the DOJ and the DEA 15 asking Henry Schein for his transactional 16 information? 17 A. I may have seen a copy of 18 it. 19 Q. What's that? 20 A. I may have seen a copy of 21 it.	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information? 8 A. No. 15 MR. McDONALD: And there was 16 a supplementation to Dr. Heim 17 produced to you last week. 18 MR. MIGLIORI: Did we get 19 that? 20 MR. DUANE: It was noted in 21 relativity to Sunday at 7:00 p.m.
Page 147 Q of opioids and controlled substances? A. No. Q. Were you aware that prosecutors connect him to eight deaths of opioid-addicted users? A. No. Q. The second largest volume by dosage in this county is a Dr. Name Brian Heim. Are you familiar with Dr. Heim? A. No. I have heard the name, but not familiar with his file. Q. Have you ever seen any documentation of the DOJ and the DEA saking Henry Schein for his transactional information? A. I may have seen a copy of it.	Page 149 1 document retention policy to produce that 2 document? Verifications, regulatory, 3 legal or some combination of them? 4 A. I don't know. 5 Q. Do you recall the date of 6 the document that you saw where DEA 7 requested this information? 8 A. No. 15 MR. McDONALD: And there was 16 a supplementation to Dr. Heim 17 produced to you last week. 18 MR. MIGLIORI: Did we get 19 that? 20 MR. DUANE: It was noted in

24

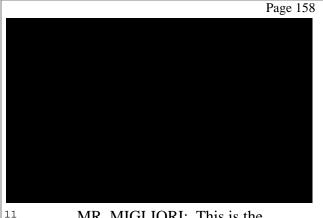
A. A copy of a request.

24

was produced to you early last

	-		
	Page 150	0	Page 15
1	week.	1	we produced to you the supporting
2	MR. MIGLIORI: No, Friday	2	documentation of the government
3	was the production.	3	inquiry.
4	MR. McDONALD: Well, we	4	MR. MIGLIORI: I don't
5	produced stuff to you on Tuesday	5	MR. McDONALD: That was sent
6	as well.	6	to you in an e-mail telling you
7	MR. MIGLIORI: And you think	7	exactly what we had done.
8	you produced that to us on	8	MR. MIGLIORI: That e-mail
9	Tuesday?	9	did not say any of that
10	MR. McDONALD: I can find	10	information about Dr. Heim.
11	out, Don.	11	MR. McDONALD: Yeah, it did.
12	MR. MIGLIORI: No, I	12	MR. MIGLIORI: No, it
13	MR. McDONALD: And we	13	didn't. I actually just reviewed
14	specifically identified for you	14	it. And I have my my counsel
15	1 ,	15	• •
16	what we produced. So	16	here for the sole purpose
17	MR. MIGLIORI: No. Whoa,	17	MR. McDONALD: Well, I
	whoa, whoa, whoa. Let's be		will I will tell you that I was
18	careful. Let's be careful.	18	on the phone and I told him that.
19	I'm perfectly happy with you	19	MR. MIGLIORI: Well, he is
20	creating a record, but you didn't	20	here, and I'll let him explain the
21	specifically show me, identify and	21	position that he
22	direct me to any due diligence of	22	Do you have that?
23	Dr. Heim.	23	MR. DUANE: I think I've got
24	MR. McDONALD: We told you	24	it now. He just sent it to me.
	Page 15	1	Page 15
1	that well, I can go back and	1	MR. MIGLIORI: And this is?
2	look at the communications with	2	MR. McDONALD: There is the
3	you. But I talked to your	3	additional screen shot for
4	colleague last week.	4	Dr. Heim, and there is the
5	MR. MIGLIORI: I know you	5	additional due diligence
_	MIX. MIGLIONI. I KIOW YOU		additional due diffgence
6		6	
6 7	did.	6 7	documentation for Dr. Heim.
	did. MR. McDONALD: And I told		documentation for Dr. Heim. MR. MIGLIORI: Can you tell
7	did. MR. McDONALD: And I told him on the phone exactly what we	7	documentation for Dr. Heim. MR. MIGLIORI: Can you tell when this was produced?
7 8 9	did. MR. McDONALD: And I told him on the phone exactly what we had produced, including the	7 8	documentation for Dr. Heim. MR. MIGLIORI: Can you tell when this was produced? MR. DUANE: I'll check.
7 8 9 10	did. MR. McDONALD: And I told him on the phone exactly what we had produced, including the additional screen shots	7 8 9 10	documentation for Dr. Heim. MR. MIGLIORI: Can you tell when this was produced? MR. DUANE: I'll check. MR. McDONALD: And, Don, I
7 8 9 10	did. MR. McDONALD: And I told him on the phone exactly what we had produced, including the additional screen shots MR. MIGLIORI: Right.	7 8 9 10	documentation for Dr. Heim. MR. MIGLIORI: Can you tell when this was produced? MR. DUANE: I'll check. MR. McDONALD: And, Don, I told your I told your
7 8 9 10 11	did. MR. McDONALD: And I told him on the phone exactly what we had produced, including the additional screen shots MR. MIGLIORI: Right. MR. McDONALD: for all of	7 8 9 10 11 12	documentation for Dr. Heim. MR. MIGLIORI: Can you tell when this was produced? MR. DUANE: I'll check. MR. McDONALD: And, Don, I told your I told your colleagues this, that that
7 8 9 10 11 12	did. MR. McDONALD: And I told him on the phone exactly what we had produced, including the additional screen shots MR. MIGLIORI: Right. MR. McDONALD: for all of them, which you specifically had,	7 8 9 10 11 12	documentation for Dr. Heim. MR. MIGLIORI: Can you tell when this was produced? MR. DUANE: I'll check. MR. McDONALD: And, Don, I told your I told your colleagues this, that that this hang on. That this was
7 8 9 10 11 12 13	did. MR. McDONALD: And I told him on the phone exactly what we had produced, including the additional screen shots MR. MIGLIORI: Right. MR. McDONALD: for all of them, which you specifically had, an additional production. You got	7 8 9 10 11 12 13	documentation for Dr. Heim. MR. MIGLIORI: Can you tell when this was produced? MR. DUANE: I'll check. MR. McDONALD: And, Don, I told your I told your colleagues this, that that this hang on. That this was brought to our attention as a
7 8 9 10 11 12 13 14	did. MR. McDONALD: And I told him on the phone exactly what we had produced, including the additional screen shots MR. MIGLIORI: Right. MR. McDONALD: for all of them, which you specifically had, an additional production. You got further documentation from my	7 8 9 10 11 12 13 14	documentation for Dr. Heim. MR. MIGLIORI: Can you tell when this was produced? MR. DUANE: I'll check. MR. McDONALD: And, Don, I told your I told your colleagues this, that that this hang on. That this was brought to our attention as a result of your inquiry from Tina
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Page 154 Page 156 1 for. And we found this additional Q. But your recollection of ² that is only from preparation for today, 2 screen shot, as well as the DOJ ³ not that you were involved with the 3 inquiries, and we produced them to ⁴ inquiry back in 2012, correct? 4 you. 5 A. I don't remember. But it's a verifications 6 issues, Don. And -- and let me be 7 clear. As I told you before, if there's some -- you can ask --8 9 MR. MIGLIORI: I appreciate 10 it. 11 MR. McDONALD: Hang on. You 12 can ask him all the questions you Q. And are you aware that 13 want, but if he doesn't know about ¹³ Dr. Heim is also in federal prison as a 14 it and you need to ask Mr. Grey or result of convictions on drug-related 15 charges including -- specifically somebody else, I'll open his deposition for a short period of 16 including controlled substances? 17 17 time to ask about it, we're happy A. I wasn't aware. 18 to accomplish that. 18 Q. Are you aware that 19 There was certainly no Dr. Heim's conviction was actually premised on the information about Henry 20 intention on our part not to 21 produce this stuff. Schein's transactions with Dr. Heim? 22 22 MR. MIGLIORI: I'm not -- I MR. McDONALD: Object to the 23 23 have never in the seven form. Assumes facts not in 24 24 depositions I've done, I have evidence. Page 155 Page 157 1 never accused you of anything THE WITNESS: I wasn't 2 untoward. I'm trying to get to aware. 3 the bottom of this. And I can ³ BY MR. MIGLIORI: 4 tell you that this was never 5 referenced directly or brought to my attention, and to my knowledge 6 7 to my law partner's attention, 8 that this screen shot particularly 9 to Heim existed. 10 I know that I saw the 11 general reference to additional 12 screen shots which was contained 13 in several other screen shots. 14 This is the first time I'm 15 seeing a screen shot. And I'm 16 looking at it through the database 17 right now. 18 MR. McDONALD: Okay. 19 MR. MIGLIORI: So that's --20 that's my side of the story. 21 BY MR. MIGLIORI: 22 Q. You did review -- the letter ²³ from DEA to Henry Schein about Dr. Heim? 24 A. I remember seeing it.



MR. MIGLIORI: This is the 12 last document and we'll take a 13 break. 14

(Document marked for identification as Exhibit Henry Schein-Tejeda-9.)

17 BY MR. MIGLIORI:

15

16

23

- 18 Q. Did you see this document in your preparation for today, the letter that you wrote to the field office of DEA about the reporting --
- 22 A. This was in --
 - Q. Let me finish. I'm sorry.
- 24 A. Okay.

¹ Schein Incorporated has been

- ² underreporting sales of controlled
- ³ substances to Ohio Board of Pharmacy as

Page 160

Page 161

- ⁴ required by the state's prescription
- monitoring program (PMP)."
- Do you recall sending that letter to the Ohio Board of Pharmacy?
 - A. Yes.
- Q. And do you recall the realization that Henry Schein had been underreporting controlled substances as to Ohio as required by Ohio law?
 - A. Yes.
- 14 Q. Who was the person that discovered this?
- A. It was one of our regulatory 16 17 specialists.
 - Q. Who was that?
- A. I don't remember exactly who it was. I can tell you who I think it
- was.

18

24

1

- 22 Q. What's your best educated 23 guess?
 - MR. McDONALD: Object to the

Page 159

- Q. Did you review this document ² in preparation for today, which was your
- ³ letter to Danna Droz of the Ohio State
- ⁴ Board of Pharmacy regarding Schein
- ⁵ reporting practices in the state of Ohio?
 - A. I did review this slide.
- Q. It's a November 9, 2012,
- letter, which is over your name, correct? 9
 - A. Correct.
- 10 Q. This version that I have is 11 not signed. Did you believe that in fact you sent this to the Ohio Board of ¹³ Pharmacy?
- A. The letter was sent to the ¹⁵ Ohio Board of Pharmacy.
- Q. And in this letter you tell 16 ¹⁷ the Ohio Board of Pharmacy in November of ¹⁸ 2012 that Henry Schein was writing for --
- ¹⁹ quote, "The purpose of this letter is to
- ²⁰ notify the Ohio Board of Pharmacy of an
- 21 issue that was recently discovered while ²² conducting a routine internal review of
- ²³ operations. During the course of our
- ²⁴ internal review, we realized that Henry

form.

2 Go ahead.

THE WITNESS: Peter Schmidt.

BY MR. MIGLIORI:

- Q. Who?
- A. Peter Schmidt.
- O. And did Peter Schmidt -- is
- ⁸ he the one that discovered that the
- reports that you had been sending to Ohio
- ¹⁰ for sales of products that contained
- ¹¹ tramadol and carisoprodol didn't -- but
- did not include any other controlled
- ¹³ substances, is he the one that made that
 - realization?
- 15 MR. McDONALD: Object to the 16 form.

17 THE WITNESS: So one of our 18 specialists brought it up to our 19 attention.

20 BY MR. MIGLIORI:

- 21 Q. And how many controlled substances were missing from the list of ²³ what was required in 2012? 24
 - A. I can't tell you that.

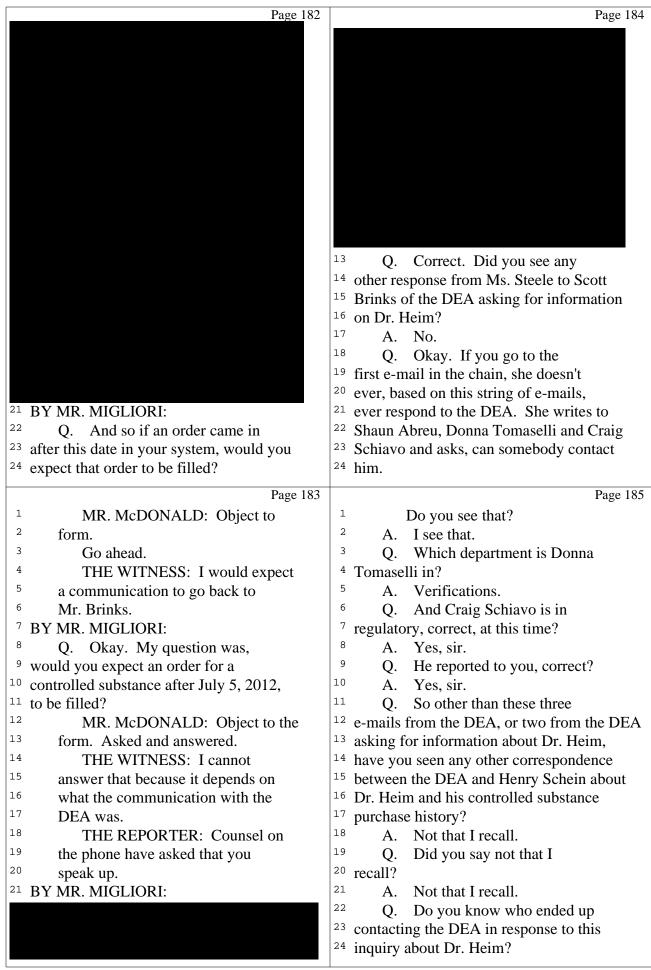
	Page 162		Page 164
1	Q. Is it dozens?	1	A. The state of Ohio.
2	A. I don't know.	2	Q. So at this point in 2010,
3	Q. Do you know how many how	3	the oxycodone would have been a
4	significant in numbers the underreporting	4	controlled substance that would not be
5	was as of November of 2012?	5	reported here, correct?
6	A. I don't remember.	6	A. From what the letter says,
7	Q. Isn't it true that this	7	we only were reporting a couple of drugs.
8	underreporting continued for two years	8	Q. Hydrocodone would not have
9	before it was discovered?	9	been reported, correct?
10	A. I'm sorry. Say that again?	10	A. According to the letter.
11	Q. Isn't it true that this	11	Q. And you understand that in
12	underreporting of controlled substances	12	Ohio, hydrocodone was almost 99 percent
13	to the Ohio State Board of Pharmacy had	13	of the orders filled from 2006 to 2014 in
14	been going on for two years?	14	Summit County? Were you aware of that?
15	A. I'm not sure about the time	15	MR. McDONALD: Object to the
16	frame, if it's in the letter.	16	form.
17	Q. I'll show you. On the third	17	BY MR. MIGLIORI:
18	paragraph, it says, "Please be reassured	18	Q. From Henry Schein?
19	that there was never any intent to avoid	19	MR. McDONALD: Object to the
20	or circumvent the company's obligation	20	form.
	under Ohio state law, and as an act of	21	BY MR. MIGLIORI:
	good faith, Henry Schein is providing all	22	Q. Were you aware of that?
	controlled substances sales information	23	- ·
		24	, , , , , , , , , , , , , , , , , , ,
	which was mistakenly omitted for the		Q. Were you aware that
	Page 163		Page 165
1	Page 163 previous two years. See enclosures."	1	Page 165 Dr. Heim, who was convicted of drug
1 2		1	- 1
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3	previous two years. See enclosures." A. Okay. Q. Isn't it true that Henry	3	Dr. Heim, who was convicted of drug trafficking, had received over 11,000
3 4	previous two years. See enclosures." A. Okay.	3	Dr. Heim, who was convicted of drug trafficking, had received over 11,000 dosage units of hydrocodone from Henry
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Highly Confidential "- Subject" t Page 166	Page 168
¹ is forgive me for having to do it this	¹ for Dr. Heim?
² way.	² A. Yes.
Is this what you saw as a	Q. And you see these are all
4 A. The note?	4 hydrocodone orders?
5 Q screen shot?	5 A. Yes.
6 A. The note?	6 Q. For Dr. Heim?
7 Q. And what I'm looking at here	7 A. Mm-hmm, yes.
8 is there is an 11 7/11/12, "Please	71. Willi illilli, yes.
 contact Shaun to notify DEA if a control is ordered." 	⁹ transactional records of Henry Schein, ¹⁰ correct?
	concer.
Do you see that:	71. That is correct.
Λ. 105.	Q. And they say he is
Q. It says, Defeted account.	getting according to this chart, he is
Do you know what that means?	getting, on the first line of his, one
A. Deleted account will mean	bottle of 500 pills, at
that the account is not longer current in	16 10/500 milligrams. And goes down the
our system.	list. Then he increases to two bottles
Q. You don't know when it was	of 500 pills at 10/500 milligrams.
¹⁹ deleted, do you?	You see all of those
20 A. No.	²⁰ entries, correct?
Q. So you'll see here that	A. Yes.
22 these this if if the date of	Q. These are records maintained
²³ inquiry is in is in let's see	²³ by Henry Schein, correct?
²⁴ July of 2012, if I'm reading this	A. That is correct.
Page 167	Page 169
Page 167 1 correctly, you would agree with me that	Page 169 Q. And those records were also
¹ correctly, you would agree with me that	¹ Q. And those records were also
 correctly, you would agree with me that based on your letter to the Ohio board on 	
¹ correctly, you would agree with me that	Q. And those records were also reported to ARCOS, the federal DEA,
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Page 170 Page 172 ¹ Schein, was the DEA -- did Henry Schein A. I would have. ² have an appreciation that the DEA, when Q. When you prepared for this ³ they asked for transactional record, is ³ deposition and you saw this Exhibit ⁴ looking for suspicious order practices, ⁴ Number 9, where you wrote to the Ohio ⁵ Board of Pharmacy and said we have ⁵ would that be a reasonable assumption at ⁶ mistakenly omitted two years of ⁶ Henry Schein? ⁷ controlled substance reporting to you, MR. McDONALD: Object to the ⁸ did it have attached to it the enclosures 8 form. 9 that's referenced in your letter to the THE WITNESS: Not really. 10 Henry Schein has had a very good board of pharmacy? relationship with all the local 11 A. Did I have the enclosures? 11 12 ¹² No, I didn't read the enclosures. DEA offices and also the 13 Washington office. The fact that Q. Those two years of -- of 14 they asked for records doesn't ¹⁴ omitted reporting to the Ohio Board of 15 Pharmacy, do you know if they still exist necessarily mean that they are 16 looking for something on the somewhere at Henry Schein? 17 17 customer. A. I don't know. But, however, BY MR. MIGLIORI: I think my point is that we are offering 19 two years of records to the board. Q. In that month, he was 20 indicted in August, based on the Q. Which --21 transactional records Henry Schein A. I don't think we're provided. Were you aware of that? ²² necessarily saying that we omitted two 23 MR. McDONALD: Object to the years of records. 24 Q. Let's go through it form. Page 171 Page 173 ¹ together. Because the jury can actually THE WITNESS: No, I wasn't. ² see this as we print it. So I -- I don't ² BY MR. MIGLIORI: Q. In August of 2012, these ³ want there to be any confusion. Or if ⁴ records that you have here, in this ⁴ I've mistaken, you can show me how I'm ⁵ exhibit that we're looking at, were ⁵ mistaken. ⁶ never, ever reported to the Ohio Board of Do you see where I am where ⁷ Pharmacy as required by Ohio law, it says in the third paragraph, please? 8 correct? A. Right. Q. And we'll read this A. They were reported at the ¹⁰ time of this letter. altogether for the jury's benefit. "Please be reassured that Q. Right. They weren't ¹² reported until November of 2012 with two there was never any intent to avoid or ¹³ years of unreported transactions, ¹³ circumvent the company's obligation under ¹⁴ correct? ¹⁴ Ohio state law, and as an act of good 15 faith, Henry Schein Incorporated is A. Again, I don't know -- I providing all controlled substance sales ¹⁶ cannot tell you the time frame of the underreporting. information which was mistakenly omitted Q. You -- you write it out and 18 for the previous two years, see 19 you put a number in. It says, enclosures." 20 ²⁰ "Mistakenly omitted for the previous two Those are your words, ²¹ years, see enclosures." 21 correct? 22 Did you ever look at these 22 Correct. Α. ²³ enclosures when you reviewed this 23 Q. You haven't seen the ²⁴ document? ²⁴ enclosures in preparation for today,

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Page 174	Page 176
¹ correct, just this letter?	¹ controlled substances that was
² A. Correct.	distributed to Ohio customers for
³ Q. But at least based on this	the prior two years.
⁴ letter, you provided two years of	⁴ BY MR. MIGLIORI:
⁵ mistakenly omitted reporting to the Ohio	⁵ Q. And in those prior two
⁶ Board of Pharmacy, correct?	⁶ years, as we just saw, hydrocodone was
A. So we provided two years of	⁷ the order the only thing that Dr. Heim
8 information. I can see you can read	8 ordered from Henry Schein in Summit
⁹ it that way. I can read it a little	⁹ County, correct?
10 different too.	MR. McDONALD: Object to the
Q. Did I read it properly?	11 form.
MR. McDONALD: Object to the	You've totally
13 form.	mischaracterized this record.
14 BY MR. MIGLIORI:	MR. MIGLIORI: I have your
Q. Did I read it properly?	objection.
16 Whatever the information is, did I read	MR. McDONALD: It only
17 it properly?	only as to controlled substance.
A. I think the fact that I can	Be careful.
19 say over here is that the information	MR. MIGLIORI: This is a
that we produced at this time was two	controlled substance letter.
21 years of information.	21 MR. McDONALD: Correct. But
Q. Okay. Those are those	you're saying that is all we sold
23 are some of the words of the sentence.	to him. I don't know if we sold
24 If you put them all together, it	him all other kinds of stuff.
Page 175	Page 177
¹ references, "All controlled substance	¹ MR. MIGLIORI: With all due
² sales information which was mistakenly	² respect, that is all I have. And
 sales information which was mistakenly omitted." 	respect, that is all I have. And it's all you it's what you've
 sales information which was mistakenly omitted." That's what you provided, 	respect, that is all I have. And it's all you it's what you've given me. So everything that
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11	ighly Confidential "- Subject" to Page 178	о . Т	Page 180
1	BY MR. MIGLIORI:	1	You only reported two controlled
2	Q. In this exhibit of		substances in those two years.
3	Dr. Heim's transactions as we've gone	3	
4	through, they are all related to	4	
5	hydrocodone tablets, correct?		hydrocodone, correct?
6	A. The report?	6	
7	-	7	
8	Q. Take as much time as you want to look at it.	8	Q. So every single pin that
9		9	you sold to Dr. Helm in Summit County in
10	A. What report are you looking		2011 and 2012 went amoported to the one
11	at?	10	
	MR. McDONALD: The exhibit.	12	WIR. WEDOWILD. Object to the
12	BY MR. MIGLIORI:		101111.
13	Q. The opioid orders post	13	THE WITHESS. Op to this
14	January 2009.	14	point, yes.
15	MR. McDONALD: Tell him what	15	WIR. WHOLIOKI. Thank you.
16	exhibit, Don.	16	I want to take a break.
17	MR. MIGLIORI: He's going to	17	THE VIDEOURALTIER. Going on
18	have to tell me because he's got	18	the record at 12.07 p.m.
19	it.	19	
20	BY MR. MIGLIORI:	20	(Lunch break.)
21	Q. What number is that exhibit?	21	
22	A. That is Tejeda Number 7.	22	THE VIDEOGRAPHER: Back on
23	Q. Exhibit Number 7, if you	23	the record at 12:49 p.m.
24	start on Page 3, and you look at all of	24	(Document marked for
	Page 179		Page 181
1	the Brian Heim orders listed there, every	1	- 1
2	one of them on Page 3 and Page 4, is	2	
3	hydrocodone tablets, correct?		BY MR. MIGLIORI:
4	A. Yes.		BT WIK. WIGLIOKI.
5			
6	Q. If you go to the order date,		
7	every one of them is in 2011 or 2012, correct?		
8			
9	A. Yes.		
	Q. And they are all before		
10	November 9, 2012, correct?		
12	A. That is correct.		
	Q. And in your letter to Danna		
13	Droz from the Ohio State Board of		
14	Pharmacy, you specifically inform the		
15	Board of Pharmacy in November of 2012		
16	that you did not report any hydrocodone		
17	orders from Summit County from for the		
18	prior two years from November of 2012,		
19	correct?		
20	A. I didn't specifically		
21	mention hydrocodone in my letter.		
22	Q. You specifically referenced		
23	that it was not the two controlled		
24	substances that you did report, correct?		
1		1	



Page 186 A. No. ¹ warehouse system, would that be in the Q. Put up on the screen off the ² JD Edwards system? What -- how would ³ computer at the break I printed out the ³ this trigger the DEA? ⁴ screen shot counsel was referring to in A. So that -- that note would ⁵ his very concise objection. ⁵ be placed by Shaun or somebody in his MR. McDONALD: Thank you. team, somebody in the verifications team. Q. And by what process would an order prompt contacting Shaun? If Dr. Heim placed an order, how would it prompt somebody to contact Shaun based on that note, how does that work? A. I'm not sure what process 13 they put in place at the time. It could simply just regard the license number from the system. 16 Q. Okay. Do you know if that 17 was done here? 18 A. I don't know. 19 Q. Do you know which system Q. If you go back to the due diligence file for Dr. Heim, you'll see this is printed off of? It actually has on the title 21 that a month and a half later, the due ²² "DEA/Proof License Maintenance." ²² diligence file -- Shaun directed that a Do you know which database ²³ new questionnaire be sent to Dr. Heim on ²⁴ August 23, 2012, a month after the DEA 24 that is? Page 187 Page 189 A. It's something used by the ¹ made this inquiry. ² verifications team. Do you see that? Q. Okay. Is that separate and A. Yes. Q. The next day that ⁴ apart, to your knowledge, from the due questionnaire was completed and placed in ⁵ diligence printout that I showed you ⁶ earlier? a bin to be approved. Do you see that? I'll put it back on the ⁸ screen. I don't remember the exhibit 8 A. Yes. number but... And then that was given to Q. 10 Is that a separate system ¹⁰ Shaun. 11 11 from the customer service imaging Do you know what action was ¹² database? taken at that point in August of 2012 on ¹³ whether or not to approve Dr. Heim for A. Again, I don't use the 14 system so I couldn't tell you. any further controlled substances? 15 A. I wouldn't know just by looking at this document. 16 17 Q. The last page of this due diligence file has a reference to something called MedPro. 19 20 Do you see that? 21 A. Yes, sir.

22

24

23 MedPro?

Would that be in the

²³ that notation?

24

Q. Who would have access to

Q. Are you familiar with

I'm familiar with what it

_		Further Confidentiality R	
	Page 190		Page 192
1	is.	the rest of the Page 3, going onto	
2	Q. What do you understand it to	² Page 4, are the hydrocodone controlle	ed
3	be?	substance orders that were filled,	
4	A. MedPro is the third party	4 correct?	
5	service that we contract with to verify	A. Correct.	
6	license information.	Q. And when you go back to	
7	Q. And this is done at the	⁷ Exhibit 11 that I was showing you un	ıder
8	onboarding, that is, bringing on of a new	⁸ MedPro, when the search was run in	June,
9	customer at Schein?	before the very first order to Dr. Heir	n
10	A. This is a live process,	was filled, under the MedPro categor	y of
11	because we refresh the data.	disciplinary action it says yes.	-
12	Q. You'll notice that the date	Do you see that?	
13	of the MedPro search is June 3, 2011.	A. Yes.	
14	Do you see that?	Q. Where would the follow-up	to
15	A. Yes.	that disciplinary action be stored in	
16	Q. Going back to the	Henry Schein?	
17	transactional records of Dr. Heim, the	A. Today?	
18	first order processed for hydrocodone is	Q. Today or in 2011 when this	
	dated August 17, 2011. It's on page	9 was done.	
20	A. I'm sorry, which one of the	A. Today's process would be for	or
21	two are you	our teams to review it, and then it wil	
22	Q. It's Page 3 of that one	be stored either on their SOM system	
23	there which is exhibit what's the	on our SOM software.	OI
	number on that, Exhibit 7	Q. Is it random which system	
	number on that, Exhibit 7	Q. Is it fundom which system	
	Page 191		Page 193
1	A. 7, okay.	it's on, or is it on both systems?	Page 193
2	A. 7, okay.Q. Yeah. Page 3.	When you say or, what does	Page 193
2 3	A. 7, okay.Q. Yeah. Page 3.A. Okay.	When you say or, what does that mean?	Page 193
2 3 4	A. 7, okay.Q. Yeah. Page 3.A. Okay.Q. The first order is order	When you say or, what does that mean? A. Today's process, it depends	Page 193
2 3 4 5	 A. 7, okay. Q. Yeah. Page 3. A. Okay. Q. The first order is order date is August 17, 2011. 	When you say or, what does that mean? A. Today's process, it depends on who conducted the review. If	
2 3 4 5 6	 A. 7, okay. Q. Yeah. Page 3. A. Okay. Q. The first order is order date is August 17, 2011. Do you see that? 	When you say or, what does that mean? A. Today's process, it depends on who conducted the review. If regulatory conducted the review, it w	rill
2 3 4 5 6 7	A. 7, okay. Q. Yeah. Page 3. A. Okay. Q. The first order is order date is August 17, 2011. Do you see that? A. Yes.	When you say or, what does that mean? A. Today's process, it depends on who conducted the review. If regulatory conducted the review, it w be housed in a system called FileMar	rill ker,
2 3 4 5 6 7 8	A. 7, okay. Q. Yeah. Page 3. A. Okay. Q. The first order is order date is August 17, 2011. Do you see that? A. Yes. Q. And it's to fill an order	When you say or, what does that mean? A. Today's process, it depends on who conducted the review. If regulatory conducted the review, it w be housed in a system called FileMar which is what we have implemented	rill ker, and
2 3 4 5 6 7 8	A. 7, okay. Q. Yeah. Page 3. A. Okay. Q. The first order is order date is August 17, 2011. Do you see that? A. Yes. Q. And it's to fill an order for controlled substances, correct, for	When you say or, what does that mean? A. Today's process, it depends on who conducted the review. If regulatory conducted the review, it we be housed in a system called FileMar which is what we have implemented customized to be our software that we	rill ker, and
2 3 4 5 6 7 8 9	A. 7, okay. Q. Yeah. Page 3. A. Okay. Q. The first order is order date is August 17, 2011. Do you see that? A. Yes. Q. And it's to fill an order for controlled substances, correct, for hydrocodone, correct?	When you say or, what does that mean? A. Today's process, it depends on who conducted the review. If regulatory conducted the review, it w be housed in a system called FileMar which is what we have implemented customized to be our software that we for due diligence files.	rill ker, and
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. 7, okay. Q. Yeah. Page 3. A. Okay. Q. The first order is order date is August 17, 2011. Do you see that? A. Yes. Q. And it's to fill an order for controlled substances, correct, for hydrocodone, correct? A. This order was for for hydrocodone, correct. Q. And the way that this information has been organized in this spreadsheet, it's one bottle, 500 doses of 10/500 milligrams, correct? A. 500 tabs, yes. Q. And that would have been filled based on the way this information is presented, correct?	When you say or, what does that mean? A. Today's process, it depends on who conducted the review. If regulatory conducted the review, it we be housed in a system called FileMar which is what we have implemented customized to be our software that we for due diligence files. Q. That's separate and apart from verifications system? A. Verifications was integrated to that system late last year. So there are still some separation of records. Q. 2011, where would disciplinary action strike that. You would agree with me that if a MedPro inquiry in 2011 generate positive answer for disciplinary action	rill ker, and e use
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Page 194 Page 196 1 form. Q. I'm asking you, were you 2 ² aware that this doctor lost his license THE WITNESS: Under Henry for a period of time as a result of drug 3 Schein's due diligence process, there would be follow-up. ⁴ trafficking charges? A. No, I wasn't. BY MR. MIGLIORI: Q. I'm going to ask you to O. Yes? 7 assume that this doctor was convicted of A. That would be followed up. felony drug trafficking charges and lost 8 Q. And that information would be followed up in the first instance by his license for a period of time to verifications or by regulatory? practice medicine. Is that something, in A. By the department that is ¹¹ the Henry Schein due diligence "know your 11 customer" system that Henry Schein would ¹² conducting the due diligence. So if this ¹³ was conducted by verifications, it will ¹³ want to know about before filling the 14 first prescription or order of controlled ¹⁴ be verifications. Q. Okay. For a new client, substances? would that be verifications? 16 A. Our process is that we 17 collect as much information as we can on A. For a new account, that most ¹⁸ likely will be verifications. the -- during the due diligence process. Q. My question to you is a 19 Q. And it's important in a little more basic. At Henry Schein in ²⁰ follow-up like this, especially if you're going to go ahead and ship controlled 2011, would you want to know if a new ²² substances to this doctor, that the file ²² customer of yours had a prior felony ²³ conviction for more than 20 counts of ²³ be documented that the follow-up has ²⁴ drug trafficking and lost his medical ²⁴ occurred, correct? Page 195 Page 197 MR. McDONALD: Object to the 1 ¹ license as a result of that in years ² prior? Would you want to know that in 2 form. THE WITNESS: Yes. ³ your "know your customer" obligations to the DEA? ⁴ BY MR. MIGLIORI: Q. Are you aware that this 5 MR. McDONALD: Object to the ⁶ doctor in the 1990s was convicted of more 6 form. 7 than 20 drug trafficking charges, felony THE WITNESS: I don't 8 charges? remember how in depth the process 9 MR. McDONALD: Object to the was at that point. If your 10 10 form. question is just if me personally 11 would like to know, again, we 11 THE WITNESS: No, I wasn't. 12 12 always strive to know as much --BY MR. MIGLIORI: Q. Were you aware that this 13 to get as much information of any 13 ¹⁴ doctor had lost his license to practice 14 account as we could. medicine for a period of time --15 BY MR. MIGLIORI: 16 MR. McDONALD: Objection. 16 Q. I'm asking, as the director 17 BY MR. MIGLIORI: of regulatory affairs, whether or not your system -- whether you would expect 18 Q. -- because of that drug your system to follow up on a MedPro trafficking charge? 19 20 disciplinary action that turned out to be MR. McDONALD: Object to the 21 more than 20 felony convictions for drug form. 22 THE WITNESS: This indicates trafficking? Is that what you would ²³ expect of your system to produce? 23 that the doctor had a license. 24 MR. McDONALD: Object to the ²⁴ BY MR. MIGLIORI:

	D 100	T	Dana 200
1	Page 198		Page 200
	form.	1	regulatory arrans, recine to r
2	THE WITNESS: Second, I'm	2	already answered your question.
3	not trying to be difficult here,	3	vve would builve to get as illuen
4	but the system has been enabled,	4	information as we could from every
5	and we always look for continuous	5	account.
6	improvement. I can't tell you	6	BY MR. MIGLIORI:
7	what how in depth or what the	7	Q. The director of regulatory
8	expectation was from the system at	8	affairs, if you found out that a new
9	that time.	9	potential editioner had more than 20
10	BY MR. MIGLIORI:	10	convictions, felony convictions for drug
11	Q. You could not tell me	11	trafficking, and you were usined to review
12	whether or not Henry Schein would want to		it at regulatory affairs as to whether or
13	know whether one of its customers was	13	not that is an appropriate customer of
14	convicted of drug trafficking charges?	14	Henry Schein in 2011, what would you have
15	MR. McDONALD: Object to	15	concluded?
16	form.	16	MR. McDONALD: Objection to
17	BY MR. MIGLIORI:	17	form. Improper hypothetical.
18	Q. As director of regulatory	18	THE WITNESS: I would have
19	affairs for the company?	19	to review the file to be able to
20	MR. McDONALD: Object to the	20	answer your question.
21	form.	21	BY MR. MIGLIORI:
22	Don, you're just arguing him	22	Q. So there are some doctors
23	and asking the same question over	23	with more than 20 felony convictions for
24	and over.	24	drug trafficking charges that would be an
	Page 100	\vdash	Page 201
1	Page 199 MP. MICLIOPI: Vou get about	1	Page 201
1 2	MR. MIGLIORI: You get about	1 2	appropriate customer for Henry Schein for
2	MR. MIGLIORI: You get about five words. That's enough.	2	appropriate customer for Henry Schein for the ordering of controlled substances?
2	MR. MIGLIORI: You get about five words. That's enough. MR. McDONALD: Well, you're	2 3	appropriate customer for Henry Schein for the ordering of controlled substances? MR. McDONALD: Object to the
2 3 4	MR. MIGLIORI: You get about five words. That's enough. MR. McDONALD: Well, you're being abusive.	3 4	appropriate customer for Henry Schein for the ordering of controlled substances? MR. McDONALD: Object to the form.
2 3 4 5	MR. MIGLIORI: You get about five words. That's enough. MR. McDONALD: Well, you're being abusive. MR. MIGLIORI: John	2 3 4 5	appropriate customer for Henry Schein for the ordering of controlled substances? MR. McDONALD: Object to the form. THE WITNESS: I didn't say
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2 3 4 5 6 7	MR. MIGLIORI: You get about five words. That's enough. MR. McDONALD: Well, you're being abusive. MR. MIGLIORI: John MR. McDONALD: You know you are.	2 3 4 5 6 7	appropriate customer for Henry Schein for the ordering of controlled substances? MR. McDONALD: Object to the form. THE WITNESS: I didn't say that. BY MR. MIGLIORI:
2 3 4 5 6 7 8	MR. MIGLIORI: You get about five words. That's enough. MR. McDONALD: Well, you're being abusive. MR. MIGLIORI: John MR. McDONALD: You know you are. MR. MIGLIORI: No. In the	2 3 4 5 6 7 8	appropriate customer for Henry Schein for the ordering of controlled substances? MR. McDONALD: Object to the form. THE WITNESS: I didn't say that. BY MR. MIGLIORI: Q. That's what I'm trying to
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2 3 3 4 4 5 6 7 7 8 9 100 111 122 133 144 155 166 17 18	MR. MIGLIORI: You get about five words. That's enough. MR. McDONALD: Well, you're being abusive. MR. MIGLIORI: John MR. McDONALD: You know you are. MR. MIGLIORI: No. In the face of questions, I can follow up on. Please stop. MR. McDONALD: You know why I'm interrupting you. MR. MIGLIORI: I know just stop. BY MR. MIGLIORI: Q. You want her to read back the question? MR. McDONALD: Yes, please.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	appropriate customer for Henry Schein for the ordering of controlled substances? MR. McDONALD: Object to the form. THE WITNESS: I didn't say that. BY MR. MIGLIORI: Q. That's what I'm trying to find out. A. I'm saying that I would have to review the file in order to be able for answer to give you a for answer on what the review was. Q. Okay. And I'm telling you that the file says that this customer that you have not yet filled a single controlled substance order for, that this customer previously had more than 20
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2 3 3 4 4 5 6 7 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. MIGLIORI: You get about five words. That's enough. MR. McDONALD: Well, you're being abusive. MR. MIGLIORI: John MR. McDONALD: You know you are. MR. MIGLIORI: No. In the face of questions, I can follow up on. Please stop. MR. McDONALD: You know why I'm interrupting you. MR. MIGLIORI: I know just stop. BY MR. MIGLIORI: Q. You want her to read back the question? MR. McDONALD: Yes, please. (Whereupon, the court reporter read back the requested portion of testimony.)	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	appropriate customer for Henry Schein for the ordering of controlled substances? MR. McDONALD: Object to the form. THE WITNESS: I didn't say that. BY MR. MIGLIORI: Q. That's what I'm trying to find out. A. I'm saying that I would have to review the file in order to be able for answer to give you a for answer on what the review was. Q. Okay. And I'm telling you that the file says that this customer that you have not yet filled a single controlled substance order for, that this customer previously had more than 20 felony convictions for drug trafficking charges. And I'm asking you as the director of regulatory affairs whether or not that is a customer that Henry Schein

SE.H	ighly confidential #- 21/7-11 celled	b Further Confidentiality Review
	Page 202	Page 204
1	MR. McDONALD: Object to the	just to look at a set of issues
2	form.	and and facts and make a
3	THE WITNESS: Do you have	determination on what we see.
4	the file?	4 If if there is any issues
5	BY MR. MIGLIORI:	with the character of the doctor,
6	Q. Yeah. You have the file.	I think the DEA and board of
7	That's the entire file. You're looking	⁷ pharmacy are are the most
8	at it right now. The MedPro inquiry is	the bodies in the best position to
9	the only entry related to the	9 make a judgment on that.
10	disciplinary action that I'm asking you	¹⁰ BY MR. MIGLIORI:
11	about.	Q. So it's you just I
12	A. You said that the file says	believe you just told me that it's not
13	that the doctor was convicted for more	your position to pass judgment on the
14	than 20 felonies.	14 customer?
15	Q. No. The federal judge that	MR. McDONALD: Object to the
16	we're in front of in this case said that.	form. Mischaracterizes testimony.
17	A. Oh, I'm sorry. I	¹⁷ BY MR. MIGLIORI:
18	misunderstood.	Q. Isn't that the purpose of
19	So what was your question	¹⁹ "know your customer"?
20	again?	A. Our mission is to put all
21	Q. At Henry Schein, would you	²¹ the information that we can together to
22	want as a customer somebody that in your	²² make a recommendation as far as the
23	due diligence you found out had been	²³ company servicing that account or not.
23		
23	due diligence you found out had been	²³ company servicing that account or not.
23	due diligence you found out had been previously convicted of more than 20	²³ company servicing that account or not. ²⁴ Q. All that information you Page 205
23	due diligence you found out had been previously convicted of more than 20 Page 203	²³ company servicing that account or not. ²⁴ Q. All that information you
23 24 1 2	due diligence you found out had been previously convicted of more than 20 Page 203 felony counts of drug trafficking	²³ company servicing that account or not. ²⁴ Q. All that information you Page 205 ¹ just referenced, what were the
23 24 1 2 3	due diligence you found out had been previously convicted of more than 20 Page 203 felony counts of drug trafficking charges? Is that a customer Henry Schein	²³ company servicing that account or not. ²⁴ Q. All that information you Page 205 ¹ just referenced, what were the ² circumstances around the convictions,
23 24 1 2 3	due diligence you found out had been previously convicted of more than 20 Page 203 felony counts of drug trafficking charges? Is that a customer Henry Schein would want for its controlled substances	23 company servicing that account or not. 24 Q. All that information you Page 205 1 just referenced, what were the 2 circumstances around the convictions, 3 what did the board of pharmacy decide,
23 24 1 2 3 4	due diligence you found out had been previously convicted of more than 20 Page 203 felony counts of drug trafficking charges? Is that a customer Henry Schein would want for its controlled substances business?	23 company servicing that account or not. 24 Q. All that information you Page 205 1 just referenced, what were the 2 circumstances around the convictions, 3 what did the board of pharmacy decide, 4 what did they that's all part of "know
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a judgment on the doctor or

customer.

DEA give the license back to the

So we are not there to make

practicing medicine. We're there

20

21

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23

24

Q. All right. And so, that due

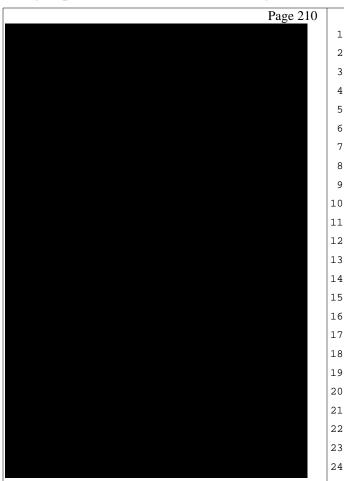
²¹ diligence file would have to have an

²² explanation that would be sufficient

²⁴ person with more than 20 felony

²³ enough for Henry Schein to say that a

Page 206 Page 208 ¹ convictions for drug trafficking, that ² explanation would have to be sufficient Q. They are a consultant to ³ and documented in the file for you to ³ Henry Schein, correct? ⁴ give that doctor an order of controlled A. Yes, sir, they have been. ⁵ substances, correct? And this Exhibit 12 is one of the Cegedim reports that Henry Schein A. Yes. commissioned, correct? Q. And if it's not in the file, isn't it true, it doesn't exist? I can tell you from the MR. McDONALD: Object to the metadata that the date of this document 10 is January 28, 2008. form. 11 ¹¹ BY MR. MIGLIORI: A. 2008, okay. 12 12 Q. So this -- you would have Q. Isn't it true in the 13 regulatory world of regulatory affairs been in regulatory affairs at this point, ¹⁴ and compliance, that that which is not correct? documented doesn't exist? Correct. Α. 16 MR. McDONALD: Object to the 17 form. 18 THE WITNESS: That is to 19 say, that is not necessarily the 20 truth. ²¹ BY MR. MIGLIORI: 22 Q. Have you seen anything in ²³ any of your review of this case or what ²⁴ was provided to you this week on Page 207 Page 209 ¹ Dr. Heim, where any follow-up or inquiry ² about his felony convictions was ³ undertaken, did you see anything? A. Again, I didn't review the Take your time. ⁵ file in completeness. -- where you -- where --A. Q. In fact, Henry Schein what the --⁷ doesn't do background checks, criminal Q. I'm reading fright from the ⁸ background checks, even today, on new first sentence right now. customers, correct? A. Okay. 10 A. Are we supposed to? Q. My question to you is you ¹² don't do it as of today, correct? A. Background checks on ¹⁴ customers, as a general rule, no.



A. Okay. So -- so then, my ² understanding of this is that they were

Page 212

Page 213

³ asking us to implement a document that we ⁴ asked the customer to provide with some

⁵ information that will allow us to make a

determination on the potential use of the drugs.

8 The customer should be O. provided with a document with information pertaining to controlled substances. Did you provide a document to your customers with information pertaining to controlled substances?

A. We have a welcome package that we provide to the customers. It contains several pieces that refer to controlled substances.

Q. It might be advisable to have a signed document from the client acknowledging his or her receipt and understanding of the information. Do you make them sign for it, that welcome package?

A. Yes.

Page 211



Like, this --

10 And they are -- they are A. asked about it.

Q. This says you would give ¹³ them a basic legal issues document once you brought them onboard. Did you ever 15 start doing that?

MR. McDONALD: Object to the form.

THE WITNESS: I'm not sure what is your understanding of basic legal issues.

21 BY MR. MIGLIORI:

16

17

18

19

20

22 Q. Well, this is -- my -- my understanding doesn't matter. This is ²⁴ between you and your consultant.

Q. A background investigation

² should be conducted to determine whether

³ there are convictions or regulatory

⁴ actions in the client's past that may ⁵ affect their suitability for ordering

⁶ controlled substances.

Do you recall in 2008

⁸ Cegedim advising you that you should do

criminal background checks of your new

customers?

11

A. I don't recall the

conversation in 2008. I don't think that

this says that we need to do background

checks on customers. We need to do

background investigations, which is what

¹⁶ we implemented.



23 They're criminal, right?

A. Right.

Page 21	4 Page 216
	-
Q. Thi fight. bo you don't	¹ criminal convictions be conducted of each
² know if this recommendation refers to	² new client?
³ doing background investigation of	³ A. I agree to that, and I also
⁴ convictions?	⁴ said that we implemented that.
⁵ A. Background investigation is	⁵ Q. You did?
⁶ not necessarily background checks.	6 A. Yes.
⁷ Q. All right. Take the word	⁷ Q. Show me where in Brian
8 "checks" out. Did you ever implement the	⁸ Heim's entire file you see an indication
⁹ system at Henry Schein from January of	⁹ of criminal background checks?
¹⁰ 2008 to present where you, Henry Schein,	A. I don't know if I have the
do background investigations to determine	¹¹ entire file in front of me.
whether there are convictions of your	Q. I can represent to you you
13 customers' or clients' pasts that may	do, because this is all I have. This is
affect their suitability?	what was provided to me. This is my
15 A. We do an in-depth review of	¹⁵ chance to ask you about it. So this is
71. We do an in departe were	
any documents that are pashery	
a variable.	
Q. Okay. Well, you see that	71. Okay.
one of the things is to provide the birth	Q. You can even count it
²⁰ date and social security numbers to	against my time.
²¹ perform public record inquiries.	A. I'm sorry?
Do you see that?	Q. You can take as much time as
A. Yeah, we don't we don't	²³ you'd like.
²⁴ ask for social security numbers.	MR. McDONALD: Well, for the
Page 21	5 Page 217
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¹ Q. So you didn't follow that	1 record, that is not the entire
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	Ignry Confidencial - Subject to	_	D 220
	Page 218		Page 220
1	numbers if you want.	1	front of me, I cannot say if it was done
2	MR. MIGLIORI: I would love		of not.
3	it.	3	Q. There's no evidence of it in
4	MR. McDONALD: Sure.	1	any of the documents that you've seen
5	MR. MIGLIORI: You can't be	5	today or yesterday in preparation,
6	shocked at my frustration with		concer.
7	getting a production in April on	7	A. There's no evidence that it
8	this. You can't be. And I		was done. I would suggest that there is
9	haven't given you any gripe about	9	no evidence that it wasn't done either.
10	it. But don't act exasperated.	10	Q. Well, is that how the Henry
11	MR. McDONALD: I am not	11	Schein due diligence system works?
12	exasperated. I had a conversation	12	A. No, sir.
13	with your colleague	13	Q. The absence of evidence is
14	MR. MIGLIORI: It doesn't	14	sufficient to go ahead and fill orders of
15	matter. It was produced in April.	15	controlled substances to doctors with
16	MR. McDONALD: And you know	16	felony convictions?
17	why?	17	A. No, sir. The Henry Schein
18	MR. MIGLIORI: It was	18	due diligence files are very complete and
19	requested in August. It's been	19	inclusive of any write-up of the
20	four days.	20	recommendation of whoever review the
21	MR. McDONALD: 648727 to	21	file.
22	648728.	22	Q. But Henry Schein due
23	MR. MIGLIORI: Is that a	23	diligence records were not complete in
24	criminal background check?		2011, were they, sir?
	Paga 210		Paga 221
1	Page 219	1	Page 221
1 2	MR. McDONALD: I don't think	1 2	A. It has been a work in
2	MR. McDONALD: I don't think there's a criminal background	2	A. It has been a work in progress. There has been a process, that
2 3	MR. McDONALD: I don't think there's a criminal background check in there. But that's the	2 3	A. It has been a work in progress. There has been a process, that as we learn, we have implemented best
2 3 4	MR. McDONALD: I don't think there's a criminal background check in there. But that's the rest of the DEA file. You guys	3 4	A. It has been a work in progress. There has been a process, that as we learn, we have implemented best practices. There has been something that
2 3 4 5	MR. McDONALD: I don't think there's a criminal background check in there. But that's the rest of the DEA file. You guys have it.	2 3 4 5	A. It has been a work in progress. There has been a process, that as we learn, we have implemented best practices. There has been something that we would have hoped that we'd get some
2 3 4 5 6	MR. McDONALD: I don't think there's a criminal background check in there. But that's the rest of the DEA file. You guys have it. BY MR. MIGLIORI:	2 3 4 5 6	A. It has been a work in progress. There has been a process, that as we learn, we have implemented best practices. There has been something that we would have hoped that we'd get some guidance from the DEA to see what needed
2 3 4 5 6 7	MR. McDONALD: I don't think there's a criminal background check in there. But that's the rest of the DEA file. You guys have it. BY MR. MIGLIORI: Q. Do you see any reference in	2 3 4 5 6 7	A. It has been a work in progress. There has been a process, that as we learn, we have implemented best practices. There has been something that we would have hoped that we'd get some guidance from the DEA to see what needed to be done and what needed to be
2 3 4 5 6 7 8	MR. McDONALD: I don't think there's a criminal background check in there. But that's the rest of the DEA file. You guys have it. BY MR. MIGLIORI: Q. Do you see any reference in the exhibit that you have or in anything	2 3 4 5 6 7 8	A. It has been a work in progress. There has been a process, that as we learn, we have implemented best practices. There has been something that we would have hoped that we'd get some guidance from the DEA to see what needed to be done and what needed to be implemented.
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Page 222 Page 224 ¹ system, correct? ¹ correct? 2 A. Say that again. A. August of 2013, yes. 3 Q. Bullet point Number 1. All MR. McDONALD: Object to ⁴ right, let me start with the top. form. BY MR. MIGLIORI: "Jeff, here are the areas Q. Tiffany Steffanie-Oak ⁶ that I think represent the highest ⁷ reported to you in 2013, that 60 percent ⁷ regulatory risk for the company at this ⁸ of your customers had no due diligence, point, August of 2013." ⁹ and the other 40 percent had varying Do you recall writing this? 10 ¹⁰ degrees of due diligence in their files, A. I don't. ¹¹ based on Henry Schein's "know your 11 "One, DEA customer due O. 12 customer" system, correct? diligence. I have to agree with Tina 13 A. Again, I already told you that this is the area of most risk. A ¹⁴ that it was a process. It was over couple of additional pieces to consider ¹⁵ 20,000 customers that needed to be worked on this issue." on, and it took some time to get there. Do you remember customer due 17 Q. Maybe you can answer my diligence being a highest degree of risk ¹⁸ question. My question to you was, more with respect to DEA compliance? 19 than 60 percent of your customers in 2013 A. I remembered something that ²⁰ had no due diligence in their files based we were always on our top priority to ²¹ on the due diligence system that Henry complete. 22 ²² Schein had in place, correct? Q. Right. And approximately 23 A. I couldn't tell you what we ²³ number -- "Approximate number of new

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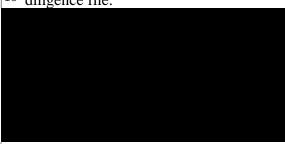
¹ tell you that on or about 2015, we make

² sure that all the customers that were

²⁴ had, what we had in file in 2013. I can

- ³ ordering controlled substances would have
- ⁴ a due diligence file.
- Q. Your due diligence was ⁶ finally complete by 2015?
- A. Our due diligence process
- ⁸ was close to the fact that if a customer
- ⁹ ordered a controlled substance, they
- ¹⁰ will -- and they didn't have a due
- ¹¹ diligence file, they will be required to
- 12 provide information so we can build a due

¹³ diligence file.



- 21 Jeff Peacock is your boss, Q.
- ²² correct?

24

- 23 A. Yes. sir.
 - This is August of 2013,

¹ From to those, an appropriate 4 to

accounts opened in a daily basis is 150.

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- ² 5 percent will place an order for
- ³ controlled substances. Using the
- ⁴ 4 percent that equates to 1,560 new
- ⁵ accounts ordering controlled substances
- ⁶ each year."
- 7 Do you recall performing that analysis?
- A. I don't recall, but I certainly did.
- Q. "Tina based her analysis on 2012 numbers. I learned from a recent
- ¹³ conversation with Shaun Abreu,
- ¹⁴ verifications manager, that the number of
- active accounts ordering controlled
- ¹⁶ substances products is now closer to
- ¹⁷ 40,000 and that we have completed due
- ¹⁸ diligence for about 13,000 accounts."
- 19 Do you recall that 27,000
- accounts, as of the writing of this
- document in August of 2013, had no due
- diligence in them?
- A. They didn't have a complete
- ²⁴ due diligence file, yeah.

Page 226 Page 228 Q. 27,000 accounts for A. I -- listen, it's in ² customers that were expected to order ² writing. However, I cannot remember the ³ controlled substance had no due ³ conversations around it. ⁴ diligence, correct? A. Correct. Q. And based on the estimates ⁷ then, you didn't expect to be caught up in this process for another three years, correct? ⁹ BY MR. MIGLIORI: 10 A. That's what it says, yes. Q. Exhibit 14, this is Tina Do you think you may have 11 ¹¹ Steffanie-Oak. She reported to you, gotten it done in 2015, instead of 2016, correct? 13 correct? A. Yes, she did. 14 A. Yeah, the -- the completion 14 Q. And this is dated November ¹⁵ of due diligence file for all accounts of 2013. So this is actually after your ¹⁶ was done around that time. However, we e-mail here. ¹⁷ put the process in place to ensure that 17 A. Okay. 18 if an account doesn't have a due 18 Q. If you turn to the second 19 diligence on file and places an order, page of it. ²⁰ then we will be required to complete one. 20 A. Okay. Q. But that --21 22 A. That was on or about 2015. 23 Q. Let's explore that. 24 So there are -- through Page 227 Page 229 ¹ 2013, there are 27,000 doctors and ² prescriber -- and -- and facilities ³ ordering controlled substances from Henry ⁴ Schein without the due diligence required

⁵ from DEA to know your customer, correct?

6 MR. McDONALD: Object to the 7 form.

8 THE WITNESS: Without the complete due diligence file.

¹⁰ BY MR. MIGLIORI:

Q. No. The 27,000 represents 12 those that had no due diligence. The 13,000 represents due diligence of ¹⁴ varying degrees, correct?

15 MR. McDONALD: Object to 16 form.

BY MR. MIGLIORI:

18 Q. Do you remember that from 19 Tina?

20 MR. McDONALD: Object to the 21 form.

²² BY MR. MIGLIORI:

Q. Do you remember Tina telling 24 you that?

Q. And what we know from other ¹² distributor DEA civil actions and recent

13 DEA sponsored conferences, the fact that ¹⁴ a customer has a valid DEA registration is not enough due diligence to know your 16 customer. 17 You appreciated that in 2013, correct?

A. Correct. Q. You appreciated that in

A. Correct.

2008, correct? 21 22

19

20

Q. In fact, in 2008 you had 23 ²⁴ another Dendrite review of your systems.

Page 230 10

This is a Schein suspicious order monitoring procedural review.

12 At this point you are in ¹³ regulatory affairs, correct?

- A. This was dated 2009, yes.
- 15 And if you go to conclusions ¹⁶ on Page 4 of the document, these are my highlights on the screen.
- A. Okay.

14

18

19

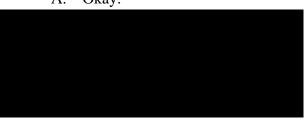
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Q. And Cegedim was telling you that what you were doing was not sufficient for DEA compliance, correct?

10 A. Cegedim was giving their recommendation for best practices.

12 Q. And that included that what 13 you were doing was noncompliant with DEA expectations on know your customer, 15 correct?

16 MR. McDONALD: Object to the 17 form.

THE WITNESS: So that will be their opinion and their interpretation. We were -absolutely took that very seriously and immediately implemented processes to make sure that by risk -- risk review, we

completed due diligence files for all the accounts that we have.

BY MR. MIGLIORI:

- Q. This report and
- recommendation is dated December 16, 2009.
- A. Okay.
- You said you promptly Q. responded to this recommendation?
 - A. Yes, we did.
- 11 In 2013, according to your Q. employee, 60 percent of those files had nothing in them for due diligence, correct?
 - A. Correct.
- 16 Q. Is that prompt response to the new onboarding due diligence "know your customer" process at Henry Schein? 19

MR. McDONALD: Object to the 20 form.

> THE WITNESS: Yeah. We set processes to look at the accounts based on risk level. We prioritize it that way. We

> > Page 233

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prioritize new accounts.

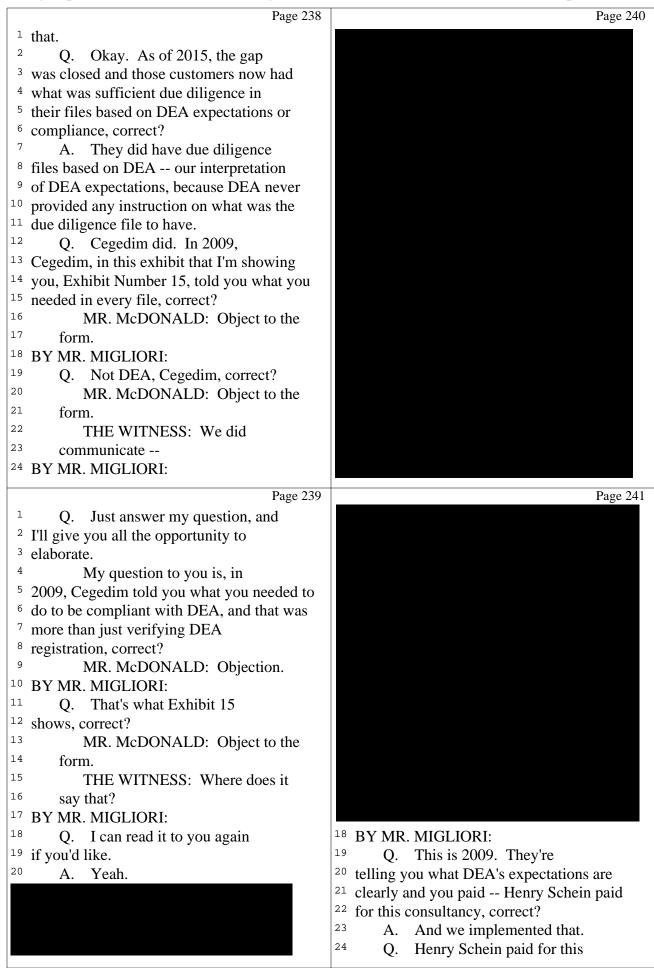
So if you are telling me you are expecting me to say from this day till tomorrow, we wouldn't be expected to have due diligence accounts for every customer, well, that's a little unrealistic.

BY MR. MIGLIORI:

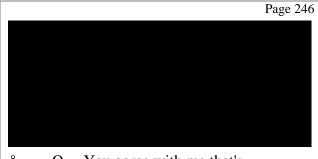
- Q. You were told in 2009 that what you were doing to open a new account ¹¹ for due diligence did not comply with DEA regulations, correct?
 - A. Correct.
- Q. In 2013, Tina told you that 60 percent of your files had no due 16 diligence, correct? 17
 - A. Correct.
 - 2013, you wrote to your boss, Jeff Peacock, and you said 27,000 of our files have no due diligence, correct? Files that are expected controlled substance ordering
 - practitioners, correct?

MR. McDONALD: Object to

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Page 234	Page 236
¹ form. Mischaracterizes the	¹ show me in any document that you've seen
² document.	² over the 26 hours of preparation that
³ MR. MIGLIORI: It's on the	³ these 27,000 client customers of yours
4 screen right here.	⁴ didn't get controlled substances?
⁵ BY MR. MIGLIORI:	5 MR. McDONALD: Object to the
⁶ Q. You write to Jeff Peacock,	form. Don't argue with him, okay?
⁷ in August of 2013, and you say that you	7 MR. MIGLIORI: I'm not.
⁸ learned from these conversations that the	8 MR. McDONALD: Yeah, you
⁹ number of active accounts ordering	⁹ are.
¹⁰ controlled substance products is now	¹⁰ MR. MIGLIORI: No, I'm
11 closer to 40,000 and that we have	asking him a question. Where are
¹² completed due diligence for about 13,000;	12 the
therefore, the gap is now 27,000	MR. McDONALD: Come on, Don.
¹⁴ accounts.	Really. Ask a question.
A. That's what is written, yes.	¹⁵ BY MR. MIGLIORI:
Q. So this is now four years	Q. Where's a where's a
¹⁷ after the Cegedim recommendation and	document that shows that these 27,000
¹⁸ notification to Henry Schein that you	¹⁸ customers were put on a pended or
¹⁹ aren't doing proper due diligence for new	¹⁹ suspended status?
²⁰ customers, correct?	MR. McDONALD: Object to the
MR. McDONALD: Object to the	21 form.
²² form.	²² BY MR. MIGLIORI:
THE WITNESS: Like I said,	Q. Where is that?
we were working on completing all	MR. McDONALD: Object to the
Page 235	Page 237
Page 235 these files for all these tens of	Page 237
these files for all these tens of	¹ form.
these files for all these tens of thousands of customers, and we	form. It's not his job to produce
these files for all these tens of thousands of customers, and we	form. It's not his job to produce
these files for all these tens of thousands of customers, and we were doing it in a very organized fashion to make sure that we limit	 form. It's not his job to produce documents to you. BY MR. MIGLIORI:
these files for all these tens of thousands of customers, and we were doing it in a very organized fashion to make sure that we limit any risk, or minimize any risk,	 form. It's not his job to produce documents to you. BY MR. MIGLIORI:
these files for all these tens of thousands of customers, and we were doing it in a very organized fashion to make sure that we limit any risk, or minimize any risk,	 form. It's not his job to produce documents to you. BY MR. MIGLIORI: Q. Go ahead. Have you seen a
these files for all these tens of thousands of customers, and we were doing it in a very organized fashion to make sure that we limit any risk, or minimize any risk, and we in fact completed that	 form. It's not his job to produce documents to you. BY MR. MIGLIORI: Q. Go ahead. Have you seen a document like that?
these files for all these tens of thousands of customers, and we were doing it in a very organized fashion to make sure that we limit any risk, or minimize any risk, and we in fact completed that before you know, like, two	1 form. 2 It's not his job to produce 3 documents to you. 4 BY MR. MIGLIORI: 5 Q. Go ahead. Have you seen a 6 document like that? 7 A. Yes.
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Page 242 Page 244 ¹ information from Cegedim, correct? ¹ enhancement in process. It's about A. Yes. ² halfway through. Q. And you implemented it and This is the in-process ⁴ you got around to finishing it in 2015, ⁴ system with respect to customer correct? ⁵ questionnaire for every customer ordering A. Correct. ⁶ controlled substances. Q. But by August and November Do you see that? 8 8 of 2013, you were only 40 percent, not A. Yes. even quite 40 percent of the way there, Q. So part of this new account ¹⁰ correct? 10 setup was to, in fact -- this is now two 11 years later -- implement what Cegedim has A. Correct. Q. Now I've made a mess. been saying, that you should be getting due diligence of every new customer for the file, correct? 15 MR. McDONALD: Object to the 16 form. 17 THE WITNESS: Are you saying 18 that we are implementing it at 19 this point? BY MR. MIGLIORI: Q. And it's to you and to ²³ Michael DiBello. Michael DiBello ²⁴ preceded Jeff Peacock, correct? Page 243 Page 245 1 A. That is correct. O. He was your boss at this ³ time? That's correct. Q. It's on the -- it's on the e-mail. March 5, 2011. 13 A. March 5, 2011. Okay. 14 Q. Do you recall getting this? 15 A. I don't. 16 Q. Okay. Do you recall reviewing this in preparation for today? 18 A. I don't remember reviewing 19 it in preparation for this meeting. Q. So I'm going to direct your attention to the page. There's no ²² numbers on this so I apologize, but... 23 A. Okay. 24 Q. New account setup, system



Q. You agree with me that's
 more than two years after Cegedim
 recommended it in Exhibit Number 15,
 correct?

MR. McDONALD: Object to the form.

THE WITNESS: It is stating what, I'm sorry?

¹⁶ BY MR. MIGLIORI:

Q. This new account setup with the -- getting out the new questionnaires for due diligence, that was recommended in 2000 by Coordin

in 2009 by Cegedim.
 In March of 2011, your
 presentation shows that that's something
 that was going to be implemented in 2011,
 correct?

¹ correct?

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MR. McDONALD: Object to the form.

THE WITNESS: Which could --

MR. McDONALD: Go ahead.
THE WITNESS: Which is a

Page 248

Page 249

modification of this process. But that doesn't mean that

questionnaires didn't exist prior
 to that.

11 BY MR. MIGLIORI:

Q. Okay. Two years after this document, 60 percent of your files have no due diligence, correct?

MR. McDONALD: Object to the form.

THE WITNESS: What was the date?

¹⁹ BY MR. MIGLIORI:

Q. 2011, March of 2011.

A. I just said that that presentation was 2013, so...

Q. You already -- you had an August 2013 e-mail saying that 27,000

Page 247

¹ A. Sending each customer our ² due diligence questionnaire.

Q. Right.

⁴ A. I'm making a difference ⁵ here. Because I don't know if your

6 records show that we had a due diligence

⁷ questionnaire prior to that.

Q. Yeah.

⁹ A. Okay.

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Q. Do you see this, the new

to-be-implemented system? Do you recallimplementing the new system of sending

customer due diligence questionnaires fornew customers beginning in 2011?

MR. McDONALD: Object to the form.

THE WITNESS: Again, what it says is sending each customer our due diligence questionnaire.

¹⁰ BY MR. MIGLIORI:

 21 Q. Right. To be implemented in 22 2011.

A. Right.

Q. That's what it says,

¹ files didn't have due diligence, correct,

² two years later?

A. Correct.

⁴ Q. Now, I'll try to --

MR. McDONALD: Are you done

with this?

MR. MIGLIORI: Yeah.

BY MR. MIGLIORI:

Q. I asked you a question

¹⁰ earlier about something --

MR. McDONALD: Hang on -- hold on a second. I'm just trying

to put this exhibit back

together --

MR. MIGLIORI: Sorry.

MR. McDONALD: -- that was paper-clipped before it gets lost.

Thanks. Go ahead.

19 BY MR. MIGLIORI:

Q. I asked you some questions about transaction reports. I'm going to show you something now that is produced in the same format, but I just want to

²⁴ understand, see if you understand what

Page 250 Page 252 ¹ familiar with, is it? ¹ this may be, so I can better understand A. No. Q. Okay. And so I just want to again try to understand the columns. There's an order number. It says type. What is a CM versus an SO for type? So it's -- it's a comment to what we use. It would mean credit memo. O. Credit memo? 11 A. Mm-hmm. 12 Q. What does that mean, like a chargeback? 14 A. Like a credit to the customer, if it was a return. 16 Q. Oh I see. Okay. 17 The line, what did we say that was? A. I'm sorry? 19 20 20 What is line, the third Q. Yeah. Q. 21 A. -- we already saw. Okay. column? 22 Q. Correct. This one says A. Oh, line, that's one that I ²³ canceled orders on top. But it has really can't tell you what --24 otherwise the exact same title as the Q. Okay. Page 251 Page 253 ¹ prior. A. -- what it was. A. Okay. O. Item, is that a base code? 3 Q. Do you see that? ³ What -- what's the item number? A. The -- the S-K-U. A. Yes, I see that. Q. So I assume, based on O. S-K-U? 6 looking at this, that this isn't Description. And the ⁷ maintained at Henry Schein in this form, shipping number and the billing number. 8 correct? A. Right. A. Correct. O. So it seems like the Q. Somebody said, I need you to exact -- for the most part, the exact ¹¹ get me these 15, 20 fields of information ¹¹ same columns as the transactional report, 12 except it's got an additional column ¹² and import them into a spreadsheet. 13 That's how this would be generated, 13 called "Pend." 14 14 correct? Do you see that, on the very 15 A. Yes. sir. last column? 16 Q. And do you know from which 16 A. Yes. 17 database this would be generated? Q. So is it fair to say that 18 A. No, not exactly. somebody said run that report but add the 19 Q. Okay. The -- is there column of pend, is that what you would ²⁰ interpret -- imagine this report being something in the ordinary course of ²¹ business that you know as the canceled 21 generated --²² orders report? 22 MR. McDONALD: Objection. 23 A. The canceled order report? ²³ BY MR. MIGLIORI: 24 24 That's not a term you're Q. -- based on your knowledge

	5 1		further confidentiality Review
	Page 254		Page 256
1	of the databases and the record	1	MR. McDONALD: Dr. Heim.
2	retention?	2	BY MR. MIGLIORI:
3	MR. McDONALD: Object to the	3	Q. Dr. Heim, but all of them
4	form. If you know, tell him, but	4	were actually filled. And Shaun Abreu
5	don't guess.	5	testified to that earlier in the
6	BY MR. MIGLIORI:	6	litigation.
7	Q. We can go back to the other	7	So the P there, as I
8	charts too. I mean, I think the columns	8	understand it, is for pended, right? Is
9	are all exactly the same, except some	9	that how you understand it?
10	except there's an added column of "pend."	10	MR. McDONALD: If you know,
11	MR. McDONALD: There's	11	· · · · · · · · · · · · · · · · · · ·
12	MR. MIGLIORI: Hmm?	12	THE WITNESS: I don't know.
13	MR. McDONALD: P is on one	13	I will be assuming.
14	of them too.	14	BY MR. MIGLIORI:
15	MR. MIGLIORI: It is? I	15	Q. Okay. Well, the column is
16	appreciate that.	16	•
17	BY MR. MIGLIORI:	17	-
18	Q. So going back to the prior	18	assumption that those were pended orders?
19	chart, I think this one is seven.	19	A. Again, I will be assuming
20	A. Which one?	20	that that's what it is.
21	Q. Seven. The post 2009.	21	Q. Okay. Well, if we go back
22	MR. McDONALD: That's it.	22	to the exhibit that I just showed you,
23	BY MR. MIGLIORI:		Exhibit Number 17, these are so-called
24	Q. Is that right?		canceled orders. And some of them have a
1	Page 255	1	Page 257
1	When we were talking about		P next to them, not many. But there are
4	Dr. Shein Dr. Heim, three of his	1 2	
- 1			some.
3	orders were pended but released.	3	If you go to page that ends
3 4	orders were pended but released. Do you see that?	3 4	If you go to page that ends in 726.
3 4 5	orders were pended but released. Do you see that? MR. McDONALD: Well, and let	3 4 5	If you go to page that ends in 726. MR. McDONALD: They're all
3 4 5 6	orders were pended but released. Do you see that? MR. McDONALD: Well, and let me state for the record, as we've	3 4 5 6	If you go to page that ends in 726. MR. McDONALD: They're all 726, Don?
3 4 5 6 7	orders were pended but released. Do you see that? MR. McDONALD: Well, and let me state for the record, as we've told you, the company is not	3 4 5 6 7	If you go to page that ends in 726. MR. McDONALD: They're all 726, Don? MR. MIGLIORI: What?
3 4 5 6 7 8	orders were pended but released. Do you see that? MR. McDONALD: Well, and let me state for the record, as we've told you, the company is not verifying the reliability of this	3 4 5 6 7 8	If you go to page that ends in 726. MR. McDONALD: They're all 726, Don? MR. MIGLIORI: What? MR. McDONALD: They're all
3 4 5 6 7 8	orders were pended but released. Do you see that? MR. McDONALD: Well, and let me state for the record, as we've told you, the company is not verifying the reliability of this information.	3 4 5 6 7 8	If you go to page that ends in 726. MR. McDONALD: They're all 726, Don? MR. MIGLIORI: What? MR. McDONALD: They're all 726.
3 4 5 6 7 8 9	orders were pended but released. Do you see that? MR. McDONALD: Well, and let me state for the record, as we've told you, the company is not verifying the reliability of this information. MR. MIGLIORI: Yeah. We	3 4 5 6 7 8 9	If you go to page that ends in 726. MR. McDONALD: They're all 726, Don? MR. MIGLIORI: What? MR. McDONALD: They're all 726. MR. MIGLIORI: Oh, are they?
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3 4 5 6 7 8 9 10 11 12	orders were pended but released. Do you see that? MR. McDONALD: Well, and let me state for the record, as we've told you, the company is not verifying the reliability of this information. MR. MIGLIORI: Yeah. We have other testimony from Shaun Abreu that they found pended orders.	3 4 5 6 7 8 9 10 11 12 13	If you go to page that ends in 726. MR. McDONALD: They're all 726, Don? MR. MIGLIORI: What? MR. McDONALD: They're all 726. MR. MIGLIORI: Oh, are they? MR. McDONALD: It's an electronic file. BY MR. MIGLIORI:
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3 4 5 6 7 8 9 10 11 12 13 14 15	orders were pended but released. Do you see that? MR. McDONALD: Well, and let me state for the record, as we've told you, the company is not verifying the reliability of this information. MR. MIGLIORI: Yeah. We have other testimony from Shaun Abreu that they found pended orders. BY MR. MIGLIORI: Q. And it may be unreliable to	3 4 5 6 7 8 9 10 11 12 13 14	If you go to page that ends in 726. MR. McDONALD: They're all 726, Don? MR. MIGLIORI: What? MR. McDONALD: They're all 726. MR. MIGLIORI: Oh, are they? MR. McDONALD: It's an electronic file. BY MR. MIGLIORI: Q. All right. If you go to one of the ones that's 726, towards the end,
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there? A. Yes, sir. Q. So those would be pended orders for those particular doctors. And think one is lorazepam. One is testosterone. A. Testosterone. Lorazepam. Q. Are these all controlled substances. Q. Are these all controlled substances. A. Yes, they're all controlled substances. A. Yes, they're all controlled substances. A. Yes, they're all controlled substances. A. Lorazepam is Schedule II. G. Okay. Is there any way in looking at this spreadsheet — you would agree with me, again, that this isn't are these aren't due diligence diligence diligence MR. McDONALD: Objection to form. A. This is just a report. MR. McDONALD: Objection to form. A. This is just a report. MR. McDONALD: Objection to form. A. This is joust a report. MR. McDONALD: Objection to order. And it's not a typical business report that you would get regularly in the course of business, regitally in the course of business, or rect? Page 259 A. This is joust a report. And it's not a typical business report that you would get regularly in the course of business, regularly in the course of business, or report. A. This report is not part of canceled orders that dednetes to you that the order was canceled at the customer's request versus by some process of due diligence? A. Not on this report, not to me. But again, there are a couple of columns that I don't really know what the information is about. A. Not on this report, not to me. But again, there are a couple of columns that I don't really know what the information is about. A. Not on this report, not to the record at 2:05 p.m. A. Clime and AT. A. AT. Yeah. A. AT. Yeah. A. AT. Yeah. A. No. Im sorry. A. No. Im sorry. A.	D 250	o Further Confidentiality Review
2 Q. What was the other one? AT? 3 Q. So those would be pended 4 orders for those particular doctors. And 5 I think one is lorazepam. One is 6 testosterone. 7 Do you see that? Is— 8 A. Testosterone. Lorazepam. 9 Yes. 10 Q. Are these all controlled 11 substance? 11 substances. 12 Q. They are not Schedule II 13 substances. 14 Q. They are not Schedule II 15 substances, right? Lorazepam and 16 testosterone is a Schedule IV. 17 This is spreadsheet—you would a agree with me, again, that this isn't a mislabeling, correct? 18 Testosterone is a Schedule III. 19 Q. Okay. Is there any way in a form. 19 A. This is just a report. 20 A. This is just a report. 30 MR. McDONALD: Objection to form. 4 BY MR. MIGLIORI: 5 Q. Just a report. 4 BY MR. MIGLIORI: 5 Q. Just a report. 6 And it's not a typical 10 orders that isn't a part of your standard operating procedures, correct? 11 A. This report is not part of correct show on this report of canceled orders that isn't a part of your standard operating procedures, correct? 12 A. This report is not part of concert at this report of canceled orders that isn't a part of your standard operating procedures, correct? 12 A. This report is not part of concert at this report of canceled orders that isn't a part of your standard operating procedures, correct? 12 A. This report is not part of concert. 13 our—okay. 14 Q. Is there anything in looking at this report of canceled orders that isn't a part of your standard operating procedures, correct? 15 A. This report is not part of concert. 16 Controlled substances of all schedules, correct? 17 A. Schedule II to V. 18 Controlled substances of all schedules, correct? 19 Controlled substances of all schedules, correct? 10 Controlled substances of all schedules, correct? 11 MR. McDONALD: Till let that go. We've been going about an hour and 20 when you get to a point. MR. MiGLIORI: 1 think this could very reasonably be the end. Let me—this stack. So why don't wake a break and I'll make sure. 15 THE VIDEOGRAPHER: Back on the record at 2:06 p.m. 16 Colum	Page 258	Page 260
3 Q. So those would be pended 4 orders for those particular doctors. And 5 I think one is lorazepam. One is 6 testosterone. 7 Do you see that? Is 8 A. Testosterone. Lorazepam. 9 Yes. 10 Q. Are these all controlled 13 substance? 12 A. Yes, they're all controlled 13 substances. 14 Q. They are not Schedule II 15 substances, right? Lorazepam and 16 testosterone? 17 A. Lorazepam is Schedule IV. 18 Testosterone is a Schedule III. 19 Q. Okay. Is there any way in 20 looking at this spreadsheet you would 21 agree with me, again, that this isn't 22 a these aren't due diligence 23 documents, that that's just a mislabeling, correct? 1 A. This is just a report. 4 BY MR. MIGLIORI: 5 Q. Just a report. 6 An This report for anceled orders that of denotes to you that the order was roans that I don't really know what the information is about. 2 Q. Okay. And that would be 3 A. AT. Yeah. 4 Q. You have no idea what AT 5 stands for? 6 A. No. I'm sorry. 7 Q. AT did exist in the 8 transactional reports, Exhibit 7. 9 And UOM, did I ask you what that stands for? 11 A. Yeah. That one I understand 20 to be unit of measure. 2 Coday. Unit of measure. Oh, 2 that stands for? 3 Lat stands for? 1 A. Yeah. 4 Q. You have no idea what AT 5 stands for? 6 A. No. I'm sorry. 7 Q. AT did exist in the 2 transactional reports, Exhibit 7. 9 And UOM, did I ask you what 4 that's right. 15 So with this list of 2 to be unit of measure. Oh, 3 way of telling me, as you sit here today, 3 why any one of these orders may have been 2 canceled, correct? 2 A. Not no, I couldn't tell 2 you. 2 A. Not no, I couldn't tell 2 you. 2 A. Not no, I couldn't tell 2 you. 3 Schedule II drugs. This is all 2 you. 4 Q. Okay. Clear as mud. 5 W. Wa Many one of these orders a mud. 6 Very been going about an hour and 20 when you get to a point. 6 Wash and the customer's request versus 1 you will be the end. 7 A. Schedule II to V. 8 Q. Okay. Clear as mud. 9 Wey been going about an hour and 20 when you get to a point. 18 Yes. This that's sind a diffusion of the record a		
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5 I think one is lorazepam. One is 6 testosterone. 7 Do you see that? Is 8 A. Testosterone. Lorazepam. 9 Yes. 10 Q. Are these all controlled 11 substance? 12 A. Yes, they're all controlled 13 substances. 14 Q. They are not Schedule II 15 substances, right? Lorazepam and 16 testosterone? 17 A. Lorazepam is Schedule IV. 18 Testosterone is a Schedule III. 19 Q. Okay. Is there any way in 10 looking at this spreadsheet you would 11 agree with me, again, that this isn't 12 a these aren't lue diligence 13 documents, that that's just a report. 14 BY MR. MIGLIORI: 15 Q. Just a report. 16 And it's not a typical 17 business report that you would get regularly in the course of business, or operating procedures, correct? 18 A. This report of canceled orders that isn't a part of your standard operating procedures, correct? 19 A. This report of canceled orders that isn't a part of your standard operating procedures, correct? 20 A. Not no, I couldn't tell you. 21 Q. And based on your review of this, this isn't limited to opioids or 24 Schedule II drugs. 22 Q. And based on your review of 3 this, this isn't limited to Schedule I. But this 3 isn't limited to Schedule I. But this 3 isn't limited to Schedule I. But this 3 isn't limited to Schedule II drugs, 4 correct? 23 A. This report is not part of 10 our okay. 24 Q. Is there anything in looking 14 this report of canceled orders that isn't a part of your standard 10 operating procedures, correct? 25 A. Schedule II to V. 26 Q. Okay. Clear as mud. 10 point. 11 let that 12 go. We've been going about an 12 hour and 20 when you get to a 13 point. 14 let me this stack. So why 14 do not we take a break and I'll 15 make sure. 15 let me this stack. So why 15 let me this stack. So why 16 let me this stack. So why 17 let with 18 list of 19 let with 19 let way of telling me, as you sit here today, 18 why any one of these orders, you have you ha	_	A. AI. Ivan.
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8 A. Testosterone. Lorazepam. 9 Yes. 10 Q. Are these all controlled 11 substance? 12 A. Yes, they're all controlled 13 substances. 14 Q. They are not Schedule II 15 substances, right? Lorazepam and 16 testosterone? 17 A. Lorazepam is Schedule IV. 18 Testosterone is a Schedule III. 19 Q. Okay. Is there any way in 20 looking at this spreadsheet you would 21 agree with me, again, that this isn't 22 a these aren't due diligence 23 documents, that that's just a 24 mislabeling, correct? Page 259 1 A. This is just a report. 4 BY MR. MIGLIORI: 5 Q. Just a report. 6 And it's not a typical 7 business report that you would get regularly in the course of business, right, this is something called canceled orders that isn't a part of your standard of corrects way this report of canceled orders that at did denotes to you that the order was canceled at the customer's request versus 10 by some process of due diligence? 13 Q. Okay. And that would be 14 that's stands for? 15 A. Yeah. That one I understand 16 the totand the stands for? 16 Canceled orders, you have you have no ordered orders, you have no ordered orders, you have no orders, gov if the right. 15 So with this list of canceled orders, you have no ordered orders, and that this isn't gibt. 18 Why any one of these orders may have been ordered orders ordered orders orders may have been ordered orders that order was ordered orders hat order was canceled, correct? 20 A. Not no, I couldn't tell ordered orders ordered orders hat order was ordered orders hat order was ordered orders hat order was ordered orders hat ordered ordered orders hat ordered orders hat ordered orders hat ordered ordered orders hat ordered orde		
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Q. I notice in your curriculum ¹⁵ vitae and some other places, that you ¹⁶ were -- you yourself were fairly involved with the HDMA as a representative of ¹⁸ Henry Schein; is that correct? 19

A. Yes, sir.

20 Q. Do you recall how often you ²¹ attended HDMA meetings or conferences?

A. In person, maybe twice a year. Conference calls, maybe another ²⁴ few times a year.

A. Yes.

O. Do you recall who from the ³ DEA that you've seen present to HDMA?

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A. So the -- the most recent

one, his name is Keith Brown, I think

deputy administrator.

Q. Okay.

A. And he was actually very

⁹ friendly to the industry. He just stated ¹⁰ that -- that they don't like the reports

¹¹ that they receive everyday with -- that

¹² our computer system sends everyday. That

13 they much rather prefer for us to

¹⁴ complete our due diligence and then send 15 the report.

16 And he also stated that the final rule that we have been waiting for years may actually be something that is

material, is here.

20 Q. Okay. A friend of industry, is that what you called him?

22 A. He was --

MR. McDONALD: Object to

form.

23

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¹ BY MR. MIGLIORI:

O. Go ahead.

A. He said that -- that they --

⁴ they understand that they have to do ⁵ better in customer service, whatever that

means.

O. Customer service as in the distributors are the customer in that

context, right?

10 A. The audience was

manufacturers and distributors.

Q. Okay. Do you recall any

presentations by a guy named Kyle Wright

¹⁴ from headquarters in the distributor

initiative?

16 A. Not really. I mean I have spoken with many people in DEA.

18 Q. Do you recall ever meeting with the DEA on behalf of Henry Schein for what was called a distributor

²¹ initiative?

22

A. Yes.

23 Q. Were you part of that ²⁴ meeting?

- Q. Okay. And does that go back ² to 2006 or two thousand -- whenever you ³ moved over to regulatory? When did you ⁴ first start getting involved with the ⁵ HDMA?
- 6 A. I think it might have been around that time.
- 8 Q. Around 2006?
- 9 A. Around 2006, yeah.
- 10 Q. Did you serve on any 11 committees for the HDMA?
- 12 A. As a participant, yes.
- 13 Q. Which committees?
- A. Regulatory affairs

¹⁵ committee, which now my team actually ¹⁶ participates in now, and I guess very --

¹⁷ the more infrequent there is a policy --

¹⁸ a public policy committee that we

¹⁹ participate probably once every so often.

²⁰ Not even every year. 21

Q. Do you remember any

²² interactions with the HDMA where the DEA

²³ was presenting or giving best practice

²⁴ presentations?

Page 266 Page 268 1 A. Yes, sir. happy that we actually meet about 2 2 Q. Do you recall when it was? these customers and we have taken 3 3 A. It was in 2009. care of any due diligence issues Q. And who -- was -- was that that we had with those accounts. the, to your knowledge, the first meeting BY MR. MIGLIORI: with DEA for the DEA initiative program? Q. Okay. So as you recall, the A. To my knowledge, that was DEA wanted to show you some information the only meeting. from your ARCOS data that raised issues Q. Okay. Who else was there or questions for them. And you were able 10 from Schein? 10 to report back to them that you had 11 A. I believe it was Len David. actually addressed those issues already. 12 Mike DiBello, Craig Schiavo and myself. Is that what you generally 13 Q. And do you recall seeing a 13 recall? 14 presentation about internet pharmacies A. Yes. 15 and suspicious order monitoring? Q. All right. Do you recall 16 A. They did have material. I anything else from that distributor ¹⁷ don't really recall what it was about. I initiative meeting? do recall that they have prepared some A. I recall that the -- the material based on our ARCOS reporting. main person traveled from Washington. 20 Q. Okay. That was my next Then it was the -- a couple of ranking ²¹ question. So did they present to you officers from the local office. I recall ²² some of your own reporting data from that he said that that meeting was in ²³ ARCOS that they thought was exemplary or good faith, that they were talking ²⁴ illustrative of certain ordering trends? ²⁴ with -- with the industry players and Page 267 Page 269 A. Yeah, I think the way they ¹ they were trying to discuss issues on ² characterize it, they wanted to review ² distribution of controlled substances. ³ some customer orders with us. ³ And I -- I think that the conversation Q. And do you recall what those ⁴ was cordial. ⁵ orders showed, or they -- they believed We did -- also we did have a ⁶ they showed? ⁶ PowerPoint presentation that we shared 7 A. I think it was information ⁷ with them at that point as far as who out of our ARCOS report. So it would Henry Schein was and what our focus is. have identified the customer, their DEA You know, we service office-based registration and transaction information. practitioners, we don't service 11 Q. And isn't it true that the pharmacies. We -- we tend to be -- we purpose of showing you those particular are aimed to be a one-stop shop for ¹³ examples was to show you where they office-based practitioners. We service ¹⁴ believed that there was irregular 14 from the pen that they use in their ¹⁵ ordering patterns for that particular office to the x-ray machine. And, you ¹⁶ surgeon that they thought were ¹⁶ know, each comments about the controlled appropriate for follow-up? substances being a very teeny-tiny piece 18 MR. McDONALD: Object to the of our operation. 19 19 Well, I mean, and also kind form. 20 THE WITNESS: So, I of the relationship that we had with our 21 apologize. I don't really customers, the mission that we had with 22 remember what did they say about our customers, things like that. 23 Q. And so that interaction this orders.

I do remember that they were

24

²⁴ was -- was broad-based about your role

though, as a distributor of controlled
 substances, correct?

A. Well --

Q. That is, you were there,

⁵ although you said it was a teeny piece of

⁶ your business, you were there for the

⁷ controlled substances and the DEA

⁸ regulations governing controlled

⁹ substances, correct?

A. Yes, that is correct.

Q. All right.

Exhibit Number 18 in front of you makes reference to the DEA coming

¹⁴ to the HDMA to talk about best practices

¹⁵ as it relates to distribution of

¹⁶ controlled substances.

Do you recall writing this

18 e-mail?

10

11

17

While you are reading it,

²⁰ for the record I'll just say what it is.

²¹ It's an e-mail from you to Michael

²² DiBello on Wednesday, February 6, 2008,

²³ regarding an HDMA meeting.

Do you either recall writing

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¹ this e-mail or the meeting itself?

² A. I vaguely, very vaguely ³ recall the meeting.

Q. Okay. Do you remember where this meeting was?

A. All of our meetings in

⁷ person with HDMA, they -- I think this

⁸ time, I think that it was -- it was in

⁹ Washington DC.

Q. Okay. So you wrote to Mike, and you showed him a response that you

¹² wrote to Jim. Who -- who is Jim?

A. So Jim Owens was the most responsible person for the verifications team at that point.

Q. Okay. Was he replaced by

17 Shaun Abreu at some point?

A. No. Actually he has been

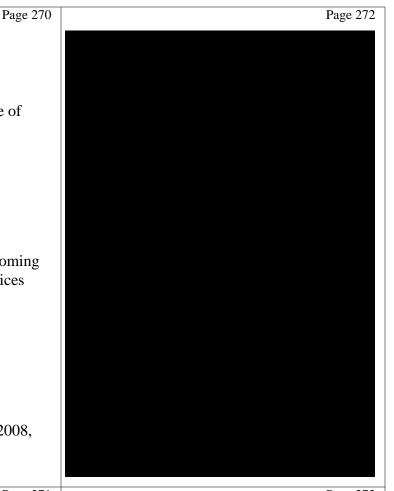
¹⁹ replaced by Bill Brandt.

Q. Okay. So -- so this would

21 be a position underneath Shaun Abreu's --

above Shaun Abreu's position?

A. Yes.



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⁷ Q. These recommendations for

⁸ best practices to the DEA though, they

⁹ were actually being made by the HDMA in

o this meeting for industrywide

understanding of best practices, correct?

A. That was the goal, to come

up with industrywide best practices.Q. And one of the HDMA, that is

⁵ the distributor's trade association,

recommendations, was to do an on-site visit for all new accounts industrywide

8 for the due diligence requirements,

⁹ correct, that was one of the HDMA's

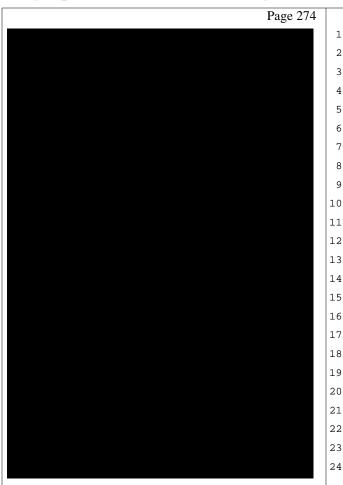
proposals?Δ The

A. That was in this e-mail?

MR. McDONALD: Take a

23 look --

²⁴ BY MR. MIGLIORI:



¹ practice would be among other

² manufacturers and distributors, other DEA

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³ registrants. And you are arguing to the

⁴ trade group that you're different than

⁵ most of those because of your type of

customer, correct?

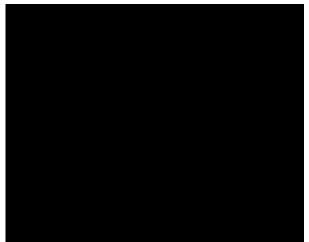
A. Yeah. Part of the discussion was understanding, again, different business models, because the focus seemed to be on pharmacists most than anything else.

Q. Do you believe that your customers are low risk for diversion?

A. I believe that most practitioners, the vast majority of them, are trying to do the right thing, they are not somebody that is going to divert drugs.

Q. My question is, based on the wording here, do you believe that you had a different or a lower standard that you had to comply with in terms of your obligations to the DEA because your customers were doctors, veterinarians,

Page 275



Q. Well, this was a meeting, though, facilitated by the HDMA with the

¹⁶ DEA, correct?

MR. McDONALD: Object to the form. Mischaracterizes the

document.

²⁰ BY MR. MIGLIORI:

Q. If I'm wrong --

A. I -- I don't think so.

Q. Okay. So internally you're discussing what a good industrywide

¹ and dentists?

A. I think the tough process was that, because our customers were

⁴ practitioners, the volume of what they

order is much lower than what a pharmacy
 will order. And they will order all

⁷ different type of supplies as opposed to

giust controlled substances. And youknow, as opposed for the distributors,

that they ship maybe even pallet size of

shipments, our shipments are several, but one or two pieces of -- of the product.

Q. Between 2006 and 2014, Henry
Schein distributed more than 1.2 million
doses of opioids into the state of Ohio.

Do you believe that because your

customers were practitioners primarily,

⁸ that you had a lower or lesser obligation

19 to prevent diversion than other

²⁰ distributors?

23

24

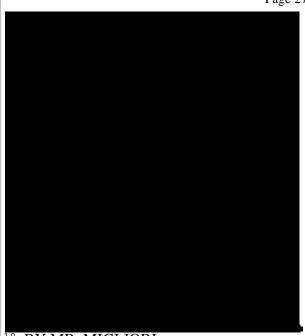
MR. McDONALD: Object to the form.

THE WITNESS: No. We never said that we had a lesser

Page 278 Page 280 1 obligation. (Document marked for 2 Our point was that our identification as Exhibit 3 business model was different and Henry Schein-Tejeda-19.) ⁴ BY MR. MIGLIORI: that we couldn't treat our 5 customers as pharmacists. Q. Let me show you Exhibit 19. ⁶ BY MR. MIGLIORI: ⁶ Exhibit 19 is the HDMA industry ⁷ compliance guidelines, reporting suspicious orders and preventing diversion of controlled substances. 10 Do you recall this guidance being reported out that same year that you had this meeting in the prior exhibit? 14 A. I'm sorry. I couldn't tell you the actual timing of this document. 16 Q. I can tell you. It's 17 November 13th of 2008. 18 A. Okay. Q. Okay. So you had a meeting 19 in February of 2008 that you reported to Jim and to Michael DiBello. And then later that year, this guidance came out. 23 Do you recall participating ²⁴ in either the preparation of or the Page 279 Page 281 ¹ ratification of this guidance, you ² yourself? A. Yes. Q. Okay. And was there a point ⁵ at which this was passed around and each company had to acknowledge or approve the guidance or vote? A. I don't remember formal

14

24



- 18 BY MR. MIGLIORI:
- 19 Q. Okay. At the end of that
- year, as part of the HDMA, there was in
- ²¹ fact a guidance issued for the
- ²² distribution of controlled substances,
- 23 correct?

24

A. I don't remember.

- vote. I think it was more a process of several meetings, discussions, and then coming up with a couple of drafts or several drafts, and then coming up to the final document.
- Q. Okay. And did Henry Schein sign on to this final document? Did it approve of this document?
- 17 A. I think Henry Schein made a commitment to do as much as we can to 19 comply with this document.
- 20 Q. Okay. So to the best of your recollection, there was nothing that Henry Schein objected to in this document as you sit here today?
 - MR. McDONALD: Object to the

Page 282 1 form. ¹ Schein actually does not have a pharmacy 2 Go ahead. ² between it and the practitioner, would ³ you say that Henry Schein has a BY MR. MIGLIORI: particularly unique opportunity to Q. Go ahead. ⁵ understand its customer because of the A. So again, the distribution direct relationship with the prescriber ⁶ industry is very complex and there is no ⁷ one way to look at all the participants that it has? 8 the same way that one formula will fit A. We do have a close ⁹ all. So it might have been parts of the relationship with our customers, yes. ¹⁰ document that we didn't find were Q. And you have a particularly ¹¹ unique positioning to perform the due ¹¹ relevant or we couldn't implement. 12 Q. Okay. But in that sense, diligence because of your direct ¹³ it's a guidance. It's not a -relationship with those practitioners, 14 A. It's a guidance. correct? 15 15 Q. And so depending on your MR. McDONALD: Object to the 16 16 company, you adapted to what would be form. 17 best and appropriate for your company, THE WITNESS: Yes, and it correct? 18 has to do with also understanding 19 19 the level of due diligence based A. Yeah, I think that was. 20 20 Q. So as far as Henry Schein on the review of each account. ²¹ was concerned in 2008 when this was 21 BY MR. MIGLIORI: ²² issued, this was acceptable to Henry Q. Correct. And if you turn to 23 Schein as a guidance with all of those ²³ Page 4 of 15 in the guidance, there's a ²⁴ limitations that you've stated, correct? ²⁴ whole section here on knowing your Page 283 Page 285 A. I think so. 1 ¹ customer and due diligence. And it goes ² through the different types of data that O. Yes? A. Yes. ³ should be collected. Q. One of the statements here Do you recall being part of ⁵ on the front page is, "At the center of the process of coming up with these ⁶ the sophisticated supply chain, guidances on knowing your customer? ⁷ distributors are uniquely situated to A. I remember the conversation ⁸ perform the due diligence in order to in general, I mean. ⁹ help support the security of the Q. It talks about doing the ¹⁰ controlled substances they deliver to background questionnaires and asking for 11 their customers." certain types of information for new clients, right? Did you agree with that ¹³ statement, that the distributors are 13 A. Right. ¹⁴ uniquely situated to perform due Q. And it -- it talks about, on diligence to support the security of the next page, the types of prescribing expectations and the -- particularly, controlled substances? 17 A. I don't remember discussing "Identification of physicians in other 18 treatment centers that are potential that statement. customers' most frequent prescribers or 19 Q. As you sit here today, does that statement sound like a reasonable highest purchasing doctors." statement that you would agree to? 21 Do you recall that being a 21 22 A. We are in a situation to guidance that you all thought perform due diligence, yes. appropriate? 24 24 Q. Okay. And because Henry A. I'm sorry. Could you point

Page 286 Page 288 ¹ to me where --¹ or Summit County, understanding who the ² highest prescribers are would be a Q. Sure. The very last bullet ³ point on Page 2. "Identification of ³ reasonable thing to do in terms of ⁴ physicians and other treatment centers ⁴ knowing your customer and satisfying your ⁵ that are the potential customers' most due diligence obligations, correct? ⁶ frequent prescribers or highest MR. McDONALD: Object to the 7 ⁷ purchasing doctors." form. 8 8 Did you think that was a THE WITNESS: So our reasonable guidance in the onboarding of 9 suspicious order monitoring system 10 new customers and the ongoing "know your 10 is based on two different sides. 11 customer" obligations, to keep track of 11 So the way we look at our 12 the most frequent and highest purchasing customers is based on the market, doctors are? 13 meaning medical, dental, or vet, 14 14 and then their specialty. A. Again --15 15 MR. McDONALD: Object to the Then at some point it was 16 16 the practice type, then it changed form. 17 17 to the practice size. Go ahead. 18 THE WITNESS: This is one of 18 So we don't specifically 19 19 look at Ohio customer or Alaska the things that probably didn't 20 fit in our world, because we -- we 20 customer. We look at medical 21 21 don't sell to pharmacies. So the doctors within this specialty 22 22 companies that were selling to within this practice type within 23 23 pharmacies, they were looking at this practice size, and we group 24 24 prescriber information. We were them. Page 287 Page 289 1 The other piece, another 1 really looking more at 2 2 part of the SOM is to look at the administration during the course of practice. 3 account purchasing behavior ⁴ BY MR. MIGLIORI: 4 itself. Q. So as a company that sells BY MR. MIGLIORI: ⁶ directly to the physicians and the Q. So in Henry Schein's ⁷ veterinarians and the dentists, you suspicious order monitoring system, it never factored in the demographics of the ⁸ didn't have as a component part of your ⁹ due diligence and know your customer a community where the pills were going? ¹⁰ sensitivity to who the highest purchasing 10 A. We did, and we have done ¹¹ doctors were, or most frequent purchasing ¹¹ that more on a ad hoc basis that when we ¹² doctors were? are notified or we learn that there is 13 specific trend of something being used in A. Purchasing doctors from ¹⁴ Henry Schein, we did, yes. a specific part of the country, then, yes, we do add to our system either a 15 Q. And that's what it says ¹⁶ here, highest purchasing doctors. combination of drugs or geographic That's a reasonable thing to location that may be an issue with a ¹⁸ have in the guidance, right, a specific drug. sensitivity in your "know your customer" 19 Q. And in fact, after Dendrite ²⁰ obligations to the highest purchasing initially consulted with you, it was ²¹ doctors? pointed out that it was necessary for 22 A. Yes, highest purchasing Schein to develop a system to monitor ²³ doctors, absolutely. Yes, we did. ²³ frequency and pattern in order to comply 24 Q. So in a community like Ohio ²⁴ with DEA expectations, correct?

	Page 290		Page 292
1	MR. McDONALD: Object to the	1	A. No. Not necessarily. They
2	form.	² a	are so telesales would be different
3	THE WITNESS: So we enhanced		from field sales and will be different
4	our computer system to include		from customer service and will be
5	those elements. Previous to that		different from customer support.
6	enhancement we relied on our DSMs	6	Q. Okay. And so prior to 2009,
7	that have close contact with the	7 t	the suspicious order monitoring system at
8	customers and they get to learn		Henry Schein relied on the customer
9	to know them to, you know,		service and sales force to identify and
10	identify or try to identify any		oring attention to deviations in
11	potential issues with any orders.		frequency and pattern, and afterwards
12	BY MR. MIGLIORI:		when the suspicious order monitoring
13	Q. Did that transition happen		system picked up frequency and pattern,
14	around 2009 with the implementation of		hose sales force and customer service
15	the enhanced SOM system?		representatives continued to service or
16	A. The enhanced SOM system was		continued to monitor?
17	implemented in 2009. Our sales	17	A. They always have.
18		18	Q. All right. So prior to
19	personnel, our toloseles personnel, they		
20	personnel, our telesales personnel, they		2009, deviations in frequency of
21	always they keep being, like, an	21 P	pattern strike that.
	additional resource to identify any		Prior to 2009, deviations
23	potential issues.		for frequency and pattern were primarily
	Q. But when Henry Schein was		detected through the sales force and
24	only monitoring for size of orders, and	24 C	customer service representatives,
	•		<u> </u>
	Page 291		Page 293
	Page 291 not yet frequency or pattern before 2009,		<u> </u>
	not yet frequency or pattern before 2009,		Page 293
1 2	_	1 c	Page 293 correct?
1 2 3	not yet frequency or pattern before 2009, Henry Schein was relying on the sales	1 C	Page 293 correct? A. Yes, sir.
1 2 3 4	not yet frequency or pattern before 2009, Henry Schein was relying on the sales representatives to identify issues of	1 C 2 3	Page 293 correct? A. Yes, sir. Q. After 2009 and after Buzzeo
1 2 3 4	not yet frequency or pattern before 2009, Henry Schein was relying on the sales representatives to identify issues of deviation in frequency and pattern. Is	1 c 2 3 4 n 5 a	Page 293 correct? A. Yes, sir. Q. After 2009 and after Buzzeo made recommendations to changing the
1 2 3 4 5	not yet frequency or pattern before 2009, Henry Schein was relying on the sales representatives to identify issues of deviation in frequency and pattern. Is that a fair statement?	1 c 2 3 4 n 5 a 6 s	Page 293 correct? A. Yes, sir. Q. After 2009 and after Buzzeo made recommendations to changing the actual suspicious order monitoring
1 2 3 4 5 6	not yet frequency or pattern before 2009, Henry Schein was relying on the sales representatives to identify issues of deviation in frequency and pattern. Is that a fair statement? MR. McDONALD: Hold on.	1 C 2 3 4 m 5 a 6 s 7 a	Page 293 correct? A. Yes, sir. Q. After 2009 and after Buzzeo made recommendations to changing the actual suspicious order monitoring system, there was a computer or an automated algorithm for picking up
1 2 3 4 5 6	not yet frequency or pattern before 2009, Henry Schein was relying on the sales representatives to identify issues of deviation in frequency and pattern. Is that a fair statement? MR. McDONALD: Hold on. Object to the form. Go ahead.	1 C 2 3 4 m 5 a 6 s 7 a 8 v	Page 293 correct? A. Yes, sir. Q. After 2009 and after Buzzeo made recommendations to changing the actual suspicious order monitoring system, there was a computer or an automated algorithm for picking up variations in variations or deviations
1 2 3 4 5 6 7 8	not yet frequency or pattern before 2009, Henry Schein was relying on the sales representatives to identify issues of deviation in frequency and pattern. Is that a fair statement? MR. McDONALD: Hold on. Object to the form. Go ahead. THE WITNESS: Not only on the sales personnel, on the	1 C 2 3 4 m 5 a 6 s 7 a 8 v	Page 293 correct? A. Yes, sir. Q. After 2009 and after Buzzeo made recommendations to changing the actual suspicious order monitoring system, there was a computer or an automated algorithm for picking up
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1 2 3 4 5 6 7 8 9	not yet frequency or pattern before 2009, Henry Schein was relying on the sales representatives to identify issues of deviation in frequency and pattern. Is that a fair statement? MR. McDONALD: Hold on. Object to the form. Go ahead. THE WITNESS: Not only on the sales personnel, on the personnel that will have contact	1 C 2 3 4 m 5 a 6 S 7 a 8 V 9 in 10	Page 293 correct? A. Yes, sir. Q. After 2009 and after Buzzeo made recommendations to changing the actual suspicious order monitoring system, there was a computer or an automated algorithm for picking up variations in variations or deviations in frequency and pattern, correct?
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	not yet frequency or pattern before 2009, Henry Schein was relying on the sales representatives to identify issues of deviation in frequency and pattern. Is that a fair statement? MR. McDONALD: Hold on. Object to the form. Go ahead. THE WITNESS: Not only on the sales personnel, on the personnel that will have contact with the customers. BY MR. MIGLIORI: Q. Who else would that be, besides the sales rep? A. Customer service. Q. Okay. A. So. Q. Customer service is a phone call, correct? A. Well, customer service could	1 C 2 3 4 m 5 a 6 s 7 a 8 V 9 ii 10 11 12 13 H 14 15 Y 16 m 17 g 18 ii 19 C 20 A 21 a 22	Page 293 correct? A. Yes, sir. Q. After 2009 and after Buzzeo made recommendations to changing the actual suspicious order monitoring system, there was a computer or an automated algorithm for picking up variations in variations or deviations in frequency and pattern, correct? A. Yes. MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. The document in front of you, the HDMA document, Number 19, the references that it's a best practice, good guidance for distributors to dentify physicians in other treatment centers of highest purchasing doctors. As of 2008, was that something that you

²⁴ with the sales representatives, correct?

Q. This one here, yeah.

	D 204	Τ	D 200
	Page 294		Page 296
1	A. Okay. (Reading to himself	1	an outboard can of conducted a
	quietly.)	2	due diligence site visit to an
3	Yeah, as far as the data	3	account, yes, absolutely.
	from our customers, yes.	4	When the customer provided
5	Q. Other people have talked	5	information from us, the customer
6	about this document, so I won't go	6	will provide us that information.
7	through all of it. I just want to ask	7	BY MR. MIGLIORI:
8	you about Page 11, a section called	8	Q. Okay. So if an order is
9	"Documentation."	9	pended and it required interaction with
10	I want to ask you if you	10	the customer, you would agree that
11	agree whether or not this was also in	11	these this type of information, who
12	2008 best practices for distributors.	12	you spoke with, and when, and what issues
13	Under documentation, it says, "All	13	were discussed, those are all issues that
14	investigations should be fully	14	would be appropriate to document in the
	documented, and all records of		file?
	investigation should be retained in an	16	A. Yes.
17	appropriate location within the firm,	17	Q. And preferably in a place
18	such as with other records relating to	18	
		19	customer would be, correct?
20	As of 2008, did you	20	A. Correct.
21	appreciate that as a best practice for	21	Q. "The document should include
	distributors of controlled substances?	22	
23	A. Let me ask a clarification	23	
24	question right here.		order investigated was or was not
	question right here.		order investigated was or was not
		_	
	Page 295		Page 297
1	So the way I am reading this	1	determined to be suspicious."
2	So the way I am reading this is all investigations conducted by the	2	determined to be suspicious." Did Henry Schein maintain a
2 3	So the way I am reading this is all investigations conducted by the company should be fully documented. If	3	determined to be suspicious." Did Henry Schein maintain a decision tree of questionable orders that
2 3	So the way I am reading this is all investigations conducted by the	3 4	determined to be suspicious." Did Henry Schein maintain a decision tree of questionable orders that were are ultimately deemed or not
2 3	So the way I am reading this is all investigations conducted by the company should be fully documented. If	3 4	determined to be suspicious." Did Henry Schein maintain a decision tree of questionable orders that
2 3 4 5	So the way I am reading this is all investigations conducted by the company should be fully documented. If that's the question, yes.	3 4	determined to be suspicious." Did Henry Schein maintain a decision tree of questionable orders that were are ultimately deemed or not
2 3 4 5 6	So the way I am reading this is all investigations conducted by the company should be fully documented. If that's the question, yes. Q. Okay. It says again, the	2 3 4 5	determined to be suspicious." Did Henry Schein maintain a decision tree of questionable orders that were are ultimately deemed or not deemed to be suspicious?
2 3 4 5 6	So the way I am reading this is all investigations conducted by the company should be fully documented. If that's the question, yes. Q. Okay. It says again, the HDMA guidance says, "At a minimum,	2 3 4 5 6	determined to be suspicious." Did Henry Schein maintain a decision tree of questionable orders that were are ultimately deemed or not deemed to be suspicious? MR. McDONALD: Object to the
2 3 4 5 6 7 8	So the way I am reading this is all investigations conducted by the company should be fully documented. If that's the question, yes. Q. Okay. It says again, the HDMA guidance says, "At a minimum, documentation should include the names,	2 3 4 5 6 7	determined to be suspicious." Did Henry Schein maintain a decision tree of questionable orders that were are ultimately deemed or not deemed to be suspicious? MR. McDONALD: Object to the form.
2 3 4 5 6 7 8	So the way I am reading this is all investigations conducted by the company should be fully documented. If that's the question, yes. Q. Okay. It says again, the HDMA guidance says, "At a minimum, documentation should include the names, titles and other relevant identification	2 3 4 5 6 7 8	determined to be suspicious." Did Henry Schein maintain a decision tree of questionable orders that were are ultimately deemed or not deemed to be suspicious? MR. McDONALD: Object to the form. THE WITNESS: So Henry
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2 3 4 5 6 7 8 9 10	So the way I am reading this is all investigations conducted by the company should be fully documented. If that's the question, yes. Q. Okay. It says again, the HDMA guidance says, "At a minimum, documentation should include the names, titles and other relevant identification of the representative of the customer contacted. For example, the pharmacist	2 3 4 5 6 7 8 9	determined to be suspicious." Did Henry Schein maintain a decision tree of questionable orders that were are ultimately deemed or not deemed to be suspicious? MR. McDONALD: Object to the form. THE WITNESS: So Henry Schein have SOPs as guidance documents. We have obtained
2 3 4 5 6 7 8 9 10 11	So the way I am reading this is all investigations conducted by the company should be fully documented. If that's the question, yes. Q. Okay. It says again, the HDMA guidance says, "At a minimum, documentation should include the names, titles and other relevant identification of the representative of the customer contacted. For example, the pharmacist in charge, the dates of contact and a	2 3 4 5 6 7 8 9 10	determined to be suspicious." Did Henry Schein maintain a decision tree of questionable orders that were are ultimately deemed or not deemed to be suspicious? MR. McDONALD: Object to the form. THE WITNESS: So Henry Schein have SOPs as guidance documents. We have obtained information from the DEA from our
2 3 4 5 6 7 8 9 10 11 12	So the way I am reading this is all investigations conducted by the company should be fully documented. If that's the question, yes. Q. Okay. It says again, the HDMA guidance says, "At a minimum, documentation should include the names, titles and other relevant identification of the representative of the customer contacted. For example, the pharmacist in charge, the dates of contact and a full description of the questions asked	2 3 4 5 6 7 8 9 10 11 12	determined to be suspicious." Did Henry Schein maintain a decision tree of questionable orders that were are ultimately deemed or not deemed to be suspicious? MR. McDONALD: Object to the form. THE WITNESS: So Henry Schein have SOPs as guidance documents. We have obtained information from the DEA from our consultants. And most recently
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	Page 298		Page 300
1	Q. So every pended order that	1	Schein's standard operating procedures
2	had a decision, it was a standard	2	for for investigation of suspicious
3	operating procedure as of 2008 for every	3	orders as of 2008 to present, correct?
4	cleared or canceled pended order, that	4	MR. McDONALD: Object to the
	there would be a statement in the due	5	form.
6	diligence file about who was contacted,	6	THE WITNESS: I mean as far
7	-	7	as process, yes.
8	clear statement of the final conclusion	8	BY MR. MIGLIORI:
9	of the investigation, that should be in		DI WIK. WHOLIOKI.
10	every pended order investigation based on		
	the standard operating procedures of		
13	Henry Schein from 2008 to present?		
	A. That should be in the	1.4	DVMD MICHODI
14	account the it we conducted due	14	BY MR. MIGLIORI:
15	diligence on that account.	15	Q. Did Ken Romeo work for you?
16	Q. Failure for that to be in an	16	A. Yes.
17	account would be a violation of the	17	Q. Do you recall Ken Romeo in
18	standard operating procedures at Henry	18	2013 writing to you about the Melville
19	Schein from 2008 to present, correct?	19	audit by a company called PCG?
20	MR. McDONALD: Object to the	20	A. I'm trying to remember who
21	form.	21	PCG was.
22	THE WITNESS: If somebody	22	Q. You don't recall the the
23	was conducting due diligence and	23	Melville audit?
24	didn't document it correctly,	24	A. Well, it's been so long,
		_	
	Page 299		Page 301
1	Page 299	1	Page 301
1 2	yeah, it was either a mistake		I a lot of things have happened, so
2	yeah, it was either a mistake or	2	I a lot of things have happened, so Q. Sure.
2	yeah, it was either a mistake or BY MR. MIGLIORI:	3	I a lot of things have happened, soQ. Sure.A. I cannot tell you I can.
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Page 302 Page 304 ¹ verifications department from the time he that you're referring, I'm sorry, ² was hired even to date, correct? I don't remember. A. Yes, sir. ³ BY MR. MIGLIORI: Q. And it was sometimes Q. I've got plenty of other people that talk about it. But did you ⁵ observed that his knowledge of medicine consider Ken Romeo to be a good employee? ⁶ was useful and indicated to make some ⁷ judgment calls about whether to deem a MR. McDONALD: Object to the pended order suspicious, correct? 8 form. A. Yeah, we thought it was a 9 THE WITNESS: I did consider 10 good idea to get somebody with that 10 Ken Romeo to have very good background to help us grow our system, background knowledge and to bring 11 12 a lot to the table. He did have a 12 to -- to help us build up our process, ¹³ bring a different perspective to how we 13 little bit of personality issues. 14 look at the accounts and our reviews. BY MR. MIGLIORI: Q. And the Cegedim consultants O. And Tina Steffanie-Oak ¹⁶ actually said that one of the concerns addressed those directly with you, in about verifications doing so many of the some of her e-mails, correct? 18 clearing of shipments for pended orders, 18 A. I believe so. Yes. ¹⁹ was the lack of medical training, do you 19 Q. But from a DEA compliance ²⁰ recall that? standpoint, he was a good employee? 21 21 A. From the process and how to A. Not exactly. Q. You don't remember any -do reviews, he was a good employee. Also ²³ I'm hoping I don't have to pull this out. conducting training for departments like ²⁴ You don't remember any audits in 2013 of ²⁴ verifications, for other members of Page 303 Page 305 ¹ Cegedim saying that the verifications ¹ regulatory, to give that added ² team does not have any medical training, ² perspective. ³ and it would be beneficial to give them Q. And he -- but he worked

⁴ more medical training because of the ⁵ amount of work that they do on reviewing ⁶ pended orders? 7 MR. McDONALD: Object to the 8 form.

10 Q. You don't remember anything 11 like that?

BY MR. MIGLIORI:

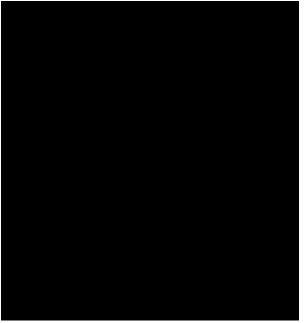
12 MR. McDONALD: Object to 13 form. 14

THE WITNESS: So I do 15 remember that we always wanted to -- for somebody to do -- to 16 17 look at our system, to look at our 18 processes as far as the -- do 19 audits on what we are doing to 20 make sure that we understood and 21 if there were -- if there were any 22 opportunities, we -- we work on

23 that. 24 As far as the specific one ⁴ under you, he worked in your department,

in regulatory affairs, correct?

A. He reported to Tina, who ⁷ reported to me.





Q. Okay. So you can pick a state and, by ingredient, active

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Page 309

- ³ ingredient, identify the top volume
- ⁴ purchasers?

12

- A. Yes.
- Q. And how long have you been doing that process?
- A. I believe we started that in 2017.
- Q. Okay. Do you do that state by state now?
 - A. We do that state by state.
 - Q. And who analyzes it? Who is responsible for that analysis?
- ⁵ A. It is a collaboration
- ¹⁶ between verifications and regulatory.

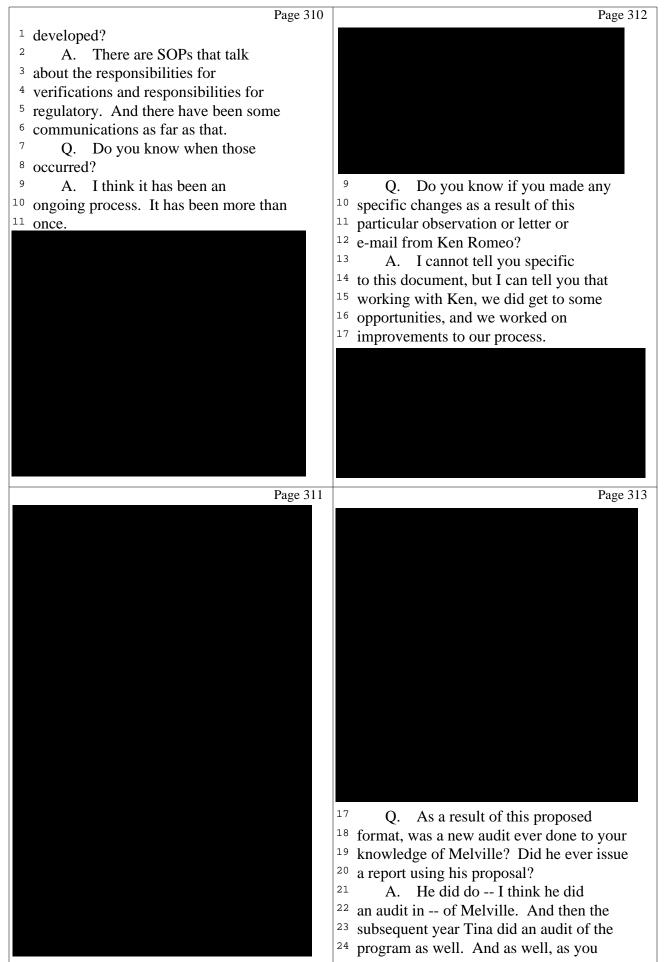
Page 307

- Q. Okay. And by top
- ² purchasers, you mean volumewise, correct?
 - A. And volumewise, yes.
- Q. And when you measured that,
- ⁵ did you do that by dosage units? Did you
- 6 do it by MME? Do you recall how you --
- $^{7}\,$ how you determined the top users, whether
- 8 it be top 50 or some other number?
- ⁹ A. So it was done based on active ingredient volume.
- Q. Okay. Is that still how you to do it today?
- A. Yes. We do conduct -- our
- ¹⁴ current program, although we have
- ¹⁵ complete due diligence file for
- ¹⁶ everybody, we do conduct reviews of
- ¹⁷ specific segments, like we run Virginia
- ¹⁸ customers, for example. We identify the
- 19 top purchasers in Virginia for specific
- ²⁰ products. It could be testosterone. It
- ²¹ could be hydrocodone. It could be
- ²² something else. But that's -- yeah,
- 23 that's the type of product review that we
- ²⁴ do at this point.

- Q. Did you have a recollection
- 11 of Buzzeo or Cegedim actually expressing
- ² that one of its observations about Henry
- 13 Schein was that there was no clear
- ¹⁴ delineation between the responsibilities
- of the verification department and the
- ¹⁶ regulatory affairs department, and that's
- -7 something that needed to be addressed
- ⁸ based on Cegedim's review?
 - A. Vaguely.

19

- Q. Do you know if this was ever
- ²¹ addressed? Was the interface between
- ²² verifications and regulatory affairs
- ²³ improved after 2013 in any meaningful way
- ²⁴ or memorialized in any SOP that was



Page 314 Page 316 ¹ know, we also hire outside consultants to Q. Are you familiar with that? ² do an audit for our program as well. A. I'm familiar with the Q. Do you recall though a document. This is our monthly report to 4 specific publication of -- of an audit our management team. performed by Ken Romeo? Q. Okay. When did these A. The report? monthly reports begin, do you recall? A. In different formats, but I Q. Yeah. For -- well, that he 8 was speaking of there, do you recall a -think they had been there since -- since ⁹ a report that issued, that he -- did he I got supervisor position in regulatory. 10 do an audit of his own based on the Q. Okay. So they go back to ¹¹ proposal he had made? 2003, '4, '5, '6? 11 12 A. 2002. A. So, yeah, for -- on any 13 internal audit that we do, we do issue a Q. And you would have presented this to Mr. Peacock or DiBello? ¹⁴ report. A. I would have sent it --Q. I'm asking whether you know ¹⁶ that there was one done there. again different formats. 17 17 A. Again, I'm trying to answer Q. Right. your question, but I think if you ask A. I would have sent it to Mike or Jeff, and then they will, you know, 19 me --20 summarize everybody's report and send it Q. If you don't remember --

21 A. -- the specifics, I -- I ²² don't remember.

Q. I only have this one sheet ²⁴ of paper. I don't have copies of this.

up the chain. 22 Q. Okay. Can I put that on the 23 screen just to -- and we can read it 24 together and --Page 315

¹ Let me put it on the screen. I'll mark ² it and we can get copies afterwards. ³ This is exhibit --4 MR. McDONALD: Do you want 5 to take two minutes and make a 6 copy? 7 MR. MIGLIORI: It's -- I can 8 give it to him. I don't even need 9 to look at it. I'd rather finish 10 actually. If that's all right.

11

You both can look at it.

Page 317 MR. McDONALD: You said you 2 didn't need it. MR. MIGLIORI: Well, it's actually recording it, so... It would be helpful for the 6 folks listening to see it. BY MR. MIGLIORI: Q. It says, "The Masters Pharma decision on June 30th, the United States ¹⁰ District Court" -- "Circuit Court of

¹¹ Appeals for the District of Columbia decided the Masters Pharmaceuticals 13 versus DEA case." 14 Do you recall that case? 15 A. Yes. sir.

16 Q. And this is a project that you were, I guess, responsible for 18 reporting on? 19

"The case has direct bearing on wholesale" -- "wholesale distributors and our obligation as DEA registrants to prevent diversion."

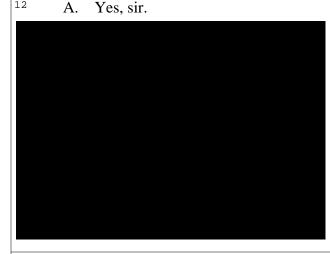
That's what you understood ²⁴ this case to be, correct, a case that

	3 1	_	further confidentiality Review
	Page 318		Page 320
1	dealt with that had a bearing on	1	flagged an order because of a deviation
2	wholesale distributors' obligations as	2	based on frequency, volume, or pattern,
3	DEA registrants to prevent diversion?	3	that the order, in all caps, is
4	A. Yes, sir.	4	suspicious and must be reported to the
5	Q. "As a result of the Masters	5	DEA at that time, correct?
6	decision, distributors must review the	6	A. Yes, that's what the the
7	way we evaluate and process orders of	7	judge interpretation was.
8	controlled substances to assure	8	Q. It's also what the
9	compliance with the new interpretation of	9	Controlled Substances Act says, doesn't
10	articulate" "articulated in Masters."	10	it?
11	That's what you were now	11	MR. McDONALD: Object to the
12	recommending to Henry Schein the company,	12	form.
13	is that they had to look at how you had	13	THE WITNESS: The Controlled
14	been doing things with respect to the	14	Substances Act?
15	shipping of pended orders, correct?	15	BY MR. MIGLIORI:
16	A. That was	16	Q. Have you ever read the
17	MR. McDONALD: Object to	17	Controlled Substances Act?
18	form. Go ahead.	18	A. Could you help me with what
19	THE WITNESS: I'm sorry.	19	section you are referring to?
20	That was more the reporting	20	Q. I'm referring to the section
21	of suspicious orders.	21	that says suspicious orders include. Do
22	BY MR. MIGLIORI:	1	you recall that section?
23	Q. Well, the reporting in	23	A. From the C.F.R.?
24	the okay. And what's highlighted	24	Q. Yes.
	Paga 310		Page 321
1	Page 319	1	Page 321
	here, it says, "Based on the decision,	1 2	A. I remember reading the
2	here, it says, "Based on the decision, there is consensus that when a suspicious	2	A. I remember reading the section.
3	here, it says, "Based on the decision, there is consensus that when a suspicious order monitoring system designed to	2	A. I remember reading the section. Q. Okay. Well, I'll help you.
3 4	here, it says, "Based on the decision, there is consensus that when a suspicious order monitoring system designed to evaluate orders based on frequency,	2 3 4	A. I remember reading the section.Q. Okay. Well, I'll help you.I'm not under oath so I get to mark one
2 3 4 5	here, it says, "Based on the decision, there is consensus that when a suspicious order monitoring system designed to evaluate orders based on frequency, volume or pattern flags an order, that	2 3 4 5	A. I remember reading the section. Q. Okay. Well, I'll help you. I'm not under oath so I get to mark one more document.
2 3 4 5 6	here, it says, "Based on the decision, there is consensus that when a suspicious order monitoring system designed to evaluate orders based on frequency, volume or pattern flags an order, that order is suspicious and must be reported	2 3 4	A. I remember reading the section. Q. Okay. Well, I'll help you. I'm not under oath so I get to mark one more document. A. Okay.
2 3 4 5	here, it says, "Based on the decision, there is consensus that when a suspicious order monitoring system designed to evaluate orders based on frequency, volume or pattern flags an order, that order is suspicious and must be reported to the DEA."	2 3 4 5 6	A. I remember reading the section. Q. Okay. Well, I'll help you. I'm not under oath so I get to mark one more document. A. Okay. MR. MIGLIORI: Exhibit 22.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	here, it says, "Based on the decision, there is consensus that when a suspicious order monitoring system designed to evaluate orders based on frequency, volume or pattern flags an order, that order is suspicious and must be reported to the DEA." Is that the takeaway that that you were reporting to Henry Schein of the of the import of the Masters decision? A. Yeah, the Masters decision actually clarified that. Q. Okay. What it clarified was that what you were calling pended orders that whole time, Masters clarified to be, in fact, suspicious orders, correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I remember reading the section. Q. Okay. Well, I'll help you. I'm not under oath so I get to mark one more document. A. Okay. MR. MIGLIORI: Exhibit 22. (Document marked for identification as Exhibit Henry Schein-Tejeda-22.) BY MR. MIGLIORI: Q. This one I can give you a copy of. This is Exhibit 22. You understand that as the director of regulatory affairs that this is thethis is one of the governing provisions of the Controlled Substances Act that relates to controlled substances, right? A. Yes, sir.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	here, it says, "Based on the decision, there is consensus that when a suspicious order monitoring system designed to evaluate orders based on frequency, volume or pattern flags an order, that order is suspicious and must be reported to the DEA." Is that the takeaway that that you were reporting to Henry Schein of the of the import of the Masters decision? A. Yeah, the Masters decision actually clarified that. Q. Okay. What it clarified was that what you were calling pended orders that whole time, Masters clarified to be, in fact, suspicious orders, correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. That was a clarification?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I remember reading the section. Q. Okay. Well, I'll help you. I'm not under oath so I get to mark one more document. A. Okay. MR. MIGLIORI: Exhibit 22. (Document marked for identification as Exhibit Henry Schein-Tejeda-22.) BY MR. MIGLIORI: Q. This one I can give you a copy of. This is Exhibit 22. You understand that as the director of regulatory affairs that this is the -this is one of the governing provisions of the Controlled Substances Act that relates to controlled substances, right? A. Yes, sir. Q. It says, "The registrant
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Page 322

1 registrant shall inform the field
2 division of the office of the
3 administration in his area of suspicious
4 orders when discovered bring the
5 registrant.
6 "Suspicious orders include
7 orders of unusual size, orders deviating
8 substantially from a normal pattern, and
9 orders of unusual frequency."
10 That's the definition in the

¹¹ C.F.R., correct?



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won't ask you what the DEA thinks or

² doesn't think. Okay?

³ A. Well, some letter from the

⁴ DEA --

Q. There's a process --

MR. McDONALD: Hang on. Let him talk.

⁸ BY MR. MIGLIORI:

⁹ Q. There's a process for us to talk to the DEA. I'm talking to you.

This is my last moment to speak with you

¹² before we go to trial, if we go to trial.

¹³ Okay?

A. Okay.

Q. My question to you is very
 simple. This decision said that a system
 that's designed to evaluate orders based

¹⁸ on frequency, volume, or pattern that

19 flags an order for a deviation in those,

is suspicious, right?

A. And that was in your interpretation.

Q. And when you compare it to the actual language of the statute of the

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¹ C.F.R. like the judge did in the Masters

case, you'll agree that the definition of
 the C.F.R., in the C.F.R., that you as

⁴ director of regulatory affairs are

⁵ responsible for at Henry Schein, you'll

⁶ agree with me at least that the C.F.R.

 $^{7}\,$ defines a suspicious order as an order of

8 unusual size, deviating substantially

⁹ from normal pattern and unusual

¹⁰ frequency. That's what the C.F.R. says, ¹¹ right?

MR. McDONALD: Object to the form.

THE WITNESS: It defines what the suspicious order is; however, it doesn't define when you need to report it.

BY MR. MIGLIORI:

Q. Okay. It does say, "when discovered by the registrant" in the C.F.R., correct?

21 C.F.R., correct?

14

15

16

17

23

A. And we were doing that.Q. Okay. So it does define

²⁴ when it has to be reported in the C.F.R.,

	Dana 226	Т	Da 220
. 7	Page 326	,	Page 328
	and it does define what is a suspicious		at at Henry Schein, that when
	order in the C.F.R. That's your		discovered, a suspicious order needs to
3	understanding as affector of regulatory	1	be reported to the field office of the
4	urrains at from y Benefit, correct.		DEA. There's no confusion about that,
5	MR. McDONALD: Object to the	5	correct:
6	form.	6	MR. McDONALD: Object to
7	THE WITNESS: And I'm also	7	form.
8	telling you that based on	8	THE WITNESS: Correct, and
9	consultant opinions, based on	9	we were doing that.
10	discussions with DEA, they told us	10	BY MR. MIGLIORI:
11	that what we were doing, the	11	Q. Okay. The C.F.R. also says
12	practice that we were doing was	12	that a suspicious order includes orders
13	accepted according to the	13	of unusual size, deviating substantially
14	interpretation at the time. There	14	from a normal pattern, and orders of
15	were even conferences that we	15	unusual frequency. That's in the C.F.R.
16	attended that the DEA, maybe not	16	going back to 1971, correct?
17	the person that you are talking	17	A. I don't know the date,
18	with, had said that there were two	18	but
19	accepted different methods to	19	Q. It's right here
20	report controlled substance.	20	A it is in the C.F.R.
21	And even in this last	21	Q. Okay. And that's always
22	conference, not to not a month	22	been the governing provision in the
23	ago, the DEA actually came out and	23	C.F.R. as long as you've been at Henry
24	said that they don't want to see		Schein, correct?
	Page 327		Page 329
1	· · · · · · · · · · · · · · · · · · ·	1	_
2	-	2	71. Concet.
3	want to learn when we actually		Masters decision, the court concluded
4	have deemed the order to be		that a system that's designed to flag
5			based on volume, frequency or pattern,
6	suspicious. MP MICLIOPI: I'm going to		when it flags an order, that is when the
7	MR. MIGLIORI: I'm going to move to strike. Way beyond my	7	<u> </u>
8		8	order is decision suspinions, and
	question.		therefore, under the C.F.R., it must be
ı u	BY MR. MIGLIORI:	1 2	
10	O Mas and add a sign of a second at the sign of a second at the second a	1	reported then, when discovered, to the
10	Q. My question is very simple,	10	DEA, correct? That's holding of the case
10 11	and I promise when we're done with this,	10 11	DEA, correct? That's holding of the case as you understood it and reported to your
10 11 12	and I promise when we're done with this, we're done.	10 11 12	DEA, correct? That's holding of the case as you understood it and reported to your boss in 2017, correct?
10 11 12 13	and I promise when we're done with this, we're done. A. Okay.	10 11 12 13	DEA, correct? That's holding of the case as you understood it and reported to your boss in 2017, correct? A. Which wasn't clear until
10 11 12 13 14	and I promise when we're done with this, we're done. A. Okay. Q. The C.F.R. has in it a clear	10 11 12 13 14	DEA, correct? That's holding of the case as you understood it and reported to your boss in 2017, correct? A. Which wasn't clear until that time.
10 11 12 13 14 15	and I promise when we're done with this, we're done. A. Okay. Q. The C.F.R. has in it a clear statement of when a suspicious order	10 11 12 13 14 15	DEA, correct? That's holding of the case as you understood it and reported to your boss in 2017, correct? A. Which wasn't clear until that time. Q. Okay. But it's clear now.
10 11 12 13 14 15	and I promise when we're done with this, we're done. A. Okay. Q. The C.F.R. has in it a clear statement of when a suspicious order needs to be reported, correct?	10 11 12 13 14 15 16	DEA, correct? That's holding of the case as you understood it and reported to your boss in 2017, correct? A. Which wasn't clear until that time. Q. Okay. But it's clear now. As you at the time that you wrote this
10 11 12 13 14 15 16	and I promise when we're done with this, we're done. A. Okay. Q. The C.F.R. has in it a clear statement of when a suspicious order needs to be reported, correct? MR. McDONALD: Object to the	10 11 12 13 14 15 16 17	DEA, correct? That's holding of the case as you understood it and reported to your boss in 2017, correct? A. Which wasn't clear until that time. Q. Okay. But it's clear now. As you at the time that you wrote this presentation, you understood that to be
10 11 12 13 14 15 16 17	and I promise when we're done with this, we're done. A. Okay. Q. The C.F.R. has in it a clear statement of when a suspicious order needs to be reported, correct? MR. McDONALD: Object to the form.	10 11 12 13 14 15 16 17	DEA, correct? That's holding of the case as you understood it and reported to your boss in 2017, correct? A. Which wasn't clear until that time. Q. Okay. But it's clear now. As you at the time that you wrote this presentation, you understood that to be what was required, correct?
10 11 12 13 14 15 16 17 18	and I promise when we're done with this, we're done. A. Okay. Q. The C.F.R. has in it a clear statement of when a suspicious order needs to be reported, correct? MR. McDONALD: Object to the form. THE WITNESS: When	10 11 12 13 14 15 16 17 18	DEA, correct? That's holding of the case as you understood it and reported to your boss in 2017, correct? A. Which wasn't clear until that time. Q. Okay. But it's clear now. As you at the time that you wrote this presentation, you understood that to be what was required, correct? MR. McDONALD: Object to the
10 11 12 13 14 15 16 17 18 19 20	and I promise when we're done with this, we're done. A. Okay. Q. The C.F.R. has in it a clear statement of when a suspicious order needs to be reported, correct? MR. McDONALD: Object to the form. THE WITNESS: When discovered.	10 11 12 13 14 15 16 17 18	DEA, correct? That's holding of the case as you understood it and reported to your boss in 2017, correct? A. Which wasn't clear until that time. Q. Okay. But it's clear now. As you at the time that you wrote this presentation, you understood that to be what was required, correct? MR. McDONALD: Object to the form.
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		1 (
	Page 330		Page 332
1	BY MR. MIGLIORI:	1	review it. If deemed suspicious, we
2	Q. All right. And prior to the	2	would report it immediately.
3	Masters decision, that is not what Henry	3	Q. And the Masters
4	Schein was doing, correct? That is,	4	Pharmaceutical was doing the same thing,
5	prior to the Masters decision, prior to	5	and as a result of this decision, lost
6	June 30th of 2017, Henry Schein was not	6	its license to distribute controlled
7	reporting any flagged order that had a	7	substances, correct?
	deviation of size, frequency, or pattern	8	MR. McDONALD: Object to the
	in the Henry Schein suspicious order	9	form.
	monitoring program, they were not	10	I don't think he can answer
	reporting it to the DEA's field office,	11	that question.
12	correct?	12	BY MR. MIGLIORI:
13	MR. McDONALD: Object to the	13	Q. Do you know?
14	form.	14	MR. McDONALD: If you know,
15	THE WITNESS: Prior to	15	tell him.
L 6	Masters decision, we were	16	MR. MIGLIORI: He wrote this
L 7	complying with the regulation	17	page here.
L8	with the regulation by notifying	18	THE WITNESS: I don't know
L9	the DEA, by reporting to the DEA,	19	what Masters was doing.
20	orders that were deemed	20	BY MR. MIGLIORI:
21		21	
22	suspicious, which were an accepted		Q. And you know that the
23	practice.		Rannazzisi letters that we talked about
	BY MR. MIGLIORI:		earlier specifically said that you cannot
24	Q. Not my question. My	24	rely upon any statements of the DEA as a
		_	D 000
	Page 331		Page 333
1	Page 331 question to you is, prior to the Masters	1	basis for compliance with the
	_	1	_
2	question to you is, prior to the Masters	1	basis for compliance with the
2	question to you is, prior to the Masters decision in June of 2017, Henry Schein did not deem an order that was a	2	basis for compliance with the requirements of the C.F.R., correct?
2 3 4	question to you is, prior to the Masters decision in June of 2017, Henry Schein did not deem an order that was a deviation in frequency, volume, or	2 3 4	basis for compliance with the requirements of the C.F.R., correct? MR. McDONALD: Object to the
2 3 4	question to you is, prior to the Masters decision in June of 2017, Henry Schein did not deem an order that was a	2 3 4	basis for compliance with the requirements of the C.F.R., correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI:
2 3 4 5	question to you is, prior to the Masters decision in June of 2017, Henry Schein did not deem an order that was a deviation in frequency, volume, or pattern a suspicious order and report it to the DEA when discovered, correct?	2 3 4 5	basis for compliance with the requirements of the C.F.R., correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Were you aware of that?
2 3 4 5 6	question to you is, prior to the Masters decision in June of 2017, Henry Schein did not deem an order that was a deviation in frequency, volume, or pattern a suspicious order and report it to the DEA when discovered, correct? MR. McDONALD: Object to the	2 3 4 5 6	basis for compliance with the requirements of the C.F.R., correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Were you aware of that? MR. McDONALD: Object to the
234567	question to you is, prior to the Masters decision in June of 2017, Henry Schein did not deem an order that was a deviation in frequency, volume, or pattern a suspicious order and report it to the DEA when discovered, correct? MR. McDONALD: Object to the form.	2 3 4 5 6 7	basis for compliance with the requirements of the C.F.R., correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Were you aware of that? MR. McDONALD: Object to the form.
23456789	question to you is, prior to the Masters decision in June of 2017, Henry Schein did not deem an order that was a deviation in frequency, volume, or pattern a suspicious order and report it to the DEA when discovered, correct? MR. McDONALD: Object to the form. THE WITNESS: We didn't	2 3 4 5 6 7 8	basis for compliance with the requirements of the C.F.R., correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Were you aware of that? MR. McDONALD: Object to the form. THE WITNESS: I think he
2 3 4 5 6 7 8 9	question to you is, prior to the Masters decision in June of 2017, Henry Schein did not deem an order that was a deviation in frequency, volume, or pattern a suspicious order and report it to the DEA when discovered, correct? MR. McDONALD: Object to the form. THE WITNESS: We didn't report orders that were flagged by	2 3 4 5 6 7 8	basis for compliance with the requirements of the C.F.R., correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Were you aware of that? MR. McDONALD: Object to the form. THE WITNESS: I think he actually said any previous
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2 3 4 5 6 7 8 9 L0 L1 L2 L3 L4 L5	question to you is, prior to the Masters decision in June of 2017, Henry Schein did not deem an order that was a deviation in frequency, volume, or pattern a suspicious order and report it to the DEA when discovered, correct? MR. McDONALD: Object to the form. THE WITNESS: We didn't report orders that were flagged by our system until we deem it suspicious. BY MR. MIGLIORI: Q. So Henry Schein, prior to the Masters decision would pend an order	2 3 4 5 6 7 8 9 10 11 12 13 14 15	basis for compliance with the requirements of the C.F.R., correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Were you aware of that? MR. McDONALD: Object to the form. THE WITNESS: I think he actually said any previous statements. BY MR. MIGLIORI: Q. What he says was he's going to reiterate what the rules are, and that he you're not able I'll show it to
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2 3 4 5 6 7 8 9 L0 L1 L2 L3 L4 L5 L6 L7 L8 L9 20	question to you is, prior to the Masters decision in June of 2017, Henry Schein did not deem an order that was a deviation in frequency, volume, or pattern a suspicious order and report it to the DEA when discovered, correct? MR. McDONALD: Object to the form. THE WITNESS: We didn't report orders that were flagged by our system until we deem it suspicious. BY MR. MIGLIORI: Q. So Henry Schein, prior to the Masters decision would pend an order that was a deviation of frequency, volume, or pattern and not report it to the DEA unless and until it later determined it to be suspicious, correct? A. Which was what was compliant	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	basis for compliance with the requirements of the C.F.R., correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Were you aware of that? MR. McDONALD: Object to the form. THE WITNESS: I think he actually said any previous statements. BY MR. MIGLIORI: Q. What he says was he's going to reiterate what the rules are, and that he you're not able I'll show it to you if you'd like. But you're not MR. McDONALD: The document speaks for itself. It says what it says.
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2 3 4 5 6 7 8 9 110 111 112 113 114 115 116 117 118 119 220 221 222	question to you is, prior to the Masters decision in June of 2017, Henry Schein did not deem an order that was a deviation in frequency, volume, or pattern a suspicious order and report it to the DEA when discovered, correct? MR. McDONALD: Object to the form. THE WITNESS: We didn't report orders that were flagged by our system until we deem it suspicious. BY MR. MIGLIORI: Q. So Henry Schein, prior to the Masters decision would pend an order that was a deviation of frequency, volume, or pattern and not report it to the DEA unless and until it later determined it to be suspicious, correct? A. Which was what was compliant with the regulation. Q. No. My question to you, is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	basis for compliance with the requirements of the C.F.R., correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Were you aware of that? MR. McDONALD: Object to the form. THE WITNESS: I think he actually said any previous statements. BY MR. MIGLIORI: Q. What he says was he's going to reiterate what the rules are, and that he you're not able I'll show it to you if you'd like. But you're not MR. McDONALD: The document Don, the document speaks for itself. It says what it says. MR. MIGLIORI: Well, I want to know what his understanding of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	question to you is, prior to the Masters decision in June of 2017, Henry Schein did not deem an order that was a deviation in frequency, volume, or pattern a suspicious order and report it to the DEA when discovered, correct? MR. McDONALD: Object to the form. THE WITNESS: We didn't report orders that were flagged by our system until we deem it suspicious. BY MR. MIGLIORI: Q. So Henry Schein, prior to the Masters decision would pend an order that was a deviation of frequency, volume, or pattern and not report it to the DEA unless and until it later determined it to be suspicious, correct? A. Which was what was compliant with the regulation.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	basis for compliance with the requirements of the C.F.R., correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. Were you aware of that? MR. McDONALD: Object to the form. THE WITNESS: I think he actually said any previous statements. BY MR. MIGLIORI: Q. What he says was he's going to reiterate what the rules are, and that he you're not able I'll show it to you if you'd like. But you're not MR. McDONALD: The document Don, the document speaks for itself. It says what it says. MR. MIGLIORI: Well, I want

Page 334 Page 336 Q. You understood back in 2007 ¹ this letter is to reiterate the ² that it was not appropriate at Henry ² responsibilities of controlled substance ³ Schein to rely on a DEA statement that ³ manufacturers and distributors to inform 4 you were in compliance or not in ⁴ DEA of suspicious orders in accordance ⁵ with 21 C.F.R. 1301.74(b). We just ⁵ compliance with the DEA's obligations ⁶ under the Controlled Substances Act, ⁶ looked at that. It says, "In addition to, ⁷ correct, you understood that, didn't you? 8 MR. McDONALD: Object to the and not in lieu of, the general 9 requirement under 21 U.S.C. 823, that form. 10 ¹⁰ manufacturers should maintain effective THE WITNESS: I don't know 11 controls" -- and it goes through the 11 how to answer that question. If 12 we weren't able to go to the DEA design and operations further. 13 to look for guidance and interpret Do you see that? 14 what -- and take what they told us 14 A. Give me a minute to read it. 15 as guidance, then... ¹⁵ Okay. 16 BY MR. MIGLIORI: 16 Q. The regulation clearly 17 indicates that it is the sole Q. Do you recall the letters? 18 A. I do recall -responsibility of the registrant to 19 Q. Do you -design and operate such a system. 20 Accordingly, DEA does not approve or A. -- a letter from 2006 and a otherwise endorse any specific system for letter from 2007. 22 Q. And do you recall the ²² reporting suspicious orders. 23 Do you recall that statement in the letters about whether or ²⁴ not the -- it's -- it's considered 24 statement? Page 335 Page 337 ¹ compliant for you to rely on a statement A. Yes. ² made by a DEA person about whether your O. And is that -- was that ³ system was appropriate? understood by Henry Schein in December of 4 MR. McDONALD: Object to the 4 2007? 5 5 form. MR. McDONALD: Object to the 6 THE WITNESS: I don't recall 6 form. 7 7 the specific language in the THE WITNESS: Yeah, that was 8 8 letters. understood and it was also kind of 9 confusing why they needed to (Document marked for 10 identification as Exhibit 10 clarify that. 11 Henry Schein-Tejeda-23.) BY MR. MIGLIORI: 12 BY MR. MIGLIORI: Q. Because -- well, we can ask 13 them why they believe they needed to do 13 Q. Here is the December 27, ¹⁴ 2007 letter. You were in regulatory at ¹⁴ it. 15 this date, correct? 15 My question to you is simply, you as a person at this point in 16 A. Yes, sir, I was. 17 Q. This is Henry Schein's regulatory affairs, in a -- a supervising person in regulatory affairs, you version of this letter. And it's Exhibit understood, at Henry Schein, that the DEA ¹⁹ Number 23. Henry Schein. This letter is being sent to did not and could not approve or ²¹ every entity in the United States otherwise endorse your system for ²² registered with the Drug Enforcement ²² reporting suspicious orders. You ²³ Agency to manufacture or distribute ²³ understood that, correct? ²⁴ controlled substances. The purpose of 24 A. Yeah, we had a couple of

Page 338 Page 340 ¹ conversations with consultants and DEA ¹ was missing. O. Well, of interest to me were ² and we came to that conclusion. They ³ didn't want to provide guidance on what ³ the years where the Buzzeo suspicious ⁴ can be acceptable. ⁴ order monitoring program was being Q. And you appreciated that as ⁵ implemented -- developed and implemented, of December 2007? ⁶ and those are the years that are not A. After we have those -- those ⁷ here. And so, I'm not suggesting 8 conversations, a little bit after 2000 --⁸ anything nefarious, I was just curious if December 2007. I just missed it because I only got it 10 Q. And as was written directly ¹⁰ literally 24 hours ago. 11 to you by Joseph Rannazzisi, the deputy 11 Did you see performance ¹² assistant administrator of the office of appraisal reports for those years? ¹³ diversion control at DEA, you received A. Absolutely, yes. 14 this document in 2000 --14 Q. All right. So they exist 15 A. I didn't personally. It was somewhere? ¹⁶ sent to one of our distribution centers. 16 A. Yes. 17 17 Q. And you were aware of this? Q. All right. Well, we'll --18 A. I received a copy 18 we'll --19 19 afterwards. MR. McDONALD: Well, hang 20 20 Q. Sometime in this time? on. 21 21 A. Sometime around that. MR. MIGLIORI: -- we'll look 22 22 MR. MIGLIORI: Okay. All for them and see if I missed them. 23 23 right. That's all I have. Thank I didn't see them. 24 24 you very much for your time. MR. McDONALD: I -- I don't Page 339 Page 341 think he's saying that he saw them 1 Actually, wait. This is 2 just housekeeping. 2 in preparation for the deposition. THE WITNESS: Okay. 3 He's seen them at some point in ⁴ BY MR. MIGLIORI: 4 life. Q. I received a personnel file BY MR. MIGLIORI: ⁶ of yours Monday? Sunday? Friday, a file Q. Is that -- is that what ⁷ on Friday and it got uploaded so that I you're saying? Is it -- did your counsel could look at it Sunday night. So -remind you that that's what you're 9 A. Okay. saying? 10 Q. -- this is purely 10 A. Well, that's what I ¹¹ housekeeping, because I'm not sure. understood your question was. Q. So in preparation for today, But I have an evaluation for in the 25 hours of preparation, did you 13 you for year-end 2001 through 2004. And ¹⁴ then I have an evaluation for you for see any performance appraisal forms for ¹⁵ year-end 2009 through 2017. And I have those years 2005 through 2009? 16 nothing during the years of the -- from 16 A. And again, I'm sorry for the ¹⁷ 2005 through 2009. 17 misunderstanding --18 Did you review any of your 18 Q. No. ¹⁹ own personnel files in preparation for 19 A. -- but I thought I had ²⁰ today, and did you see any files related answered that question. I did see 21 to those years? performance evaluations. I couldn't tell 22 A. I did review some of my you if it was complete or what years were ²³ performance appraisals. I cannot tell 23 missing. ²⁴ you what years I reviewed or if -- what 24 You saw them in -- in recent

1	Page 342	Т	Page 344
1	_	1	1 age 344
2 W	veeks?	2	CERTIFICATE
	A. Yeah. I saw the some of	3	CERTIFICATE
	he performance evaluations.	4	
4	Q. Okay.	5	I HEREBY CERTIFY that the
5	MR. MIGLIORI: Well, we'll	6	witness was duly sworn by me and that the deposition is a true record of the
6	continue to look. I I doubt		testimony given by the witness.
7	it's going to raise any issue that	7	
8	I'll need to follow up on. But I	8	It was requested before
9	just wanted it to be clear or see		completion of the deposition that the witness, SERGIO TEJEDA, have the
10	if you had an explanation to why	9	opportunity to read and sign the
11	there would be a gap of five years	10	deposition transcript.
12	in your in your record.	11	
13	THE WITNESS: No. No, I'm	12	
14	sorry. Actually I am sure it was	1	MICHELLE L. GRAY,
15	a good review, because that's when	13	A Registered Professional
16	I was promoted.	14	Reporter, Certified Shorthand Reporter, Certified Realtime
17	MR. MIGLIORI: All of your		Reporter, Certified Readtiffe Reporter and Notary Public
18	reviews are are very good. And	15	Dated: April 5, 2019
19	I was just curious.	16 17	
20	That's all I have. I	18	(The foregoing certification
21		19	of this transcript does not apply to any
22	appreciate your time.	20 21	reproduction of the same by any means,
23	THE WITNESS: All right,	1	unless under the direct control and/or supervision of the certifying reporter.)
	sir. Thank you. I appreciate it.	23	supervision of the certifying reporter.)
24	THE VIDEOGRAPHER: This ends	24	
	Page 343		Page 345
1	today's deposition. We're going	1	INSTRUCTIONS TO WITNESS
2	off the record at 3:48 p.m.	2	
3	(Excused.)	3	Please read your deposition
4	(Deposition concluded at	4	over carefully and make any necessary
5	approximately 3:51 p.m.)	5	corrections. You should state the reason
6	approximately one i primity	6	in the appropriate space on the errata
7		7	sheet for any corrections that are made.
8			J .
1		8	After doing so please sign
9		9	After doing so, please sign
9			the errata sheet and date it.
10		9	the errata sheet and date it. You are signing same subject
10 11		9 10 11	the errata sheet and date it. You are signing same subject to the changes you have noted on the
10 11 12		9 10 11 12	the errata sheet and date it. You are signing same subject to the changes you have noted on the errata sheet, which will be attached to
10 11 12 13		9 10 11 12 13	the errata sheet and date it. You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.
10 11 12 13 14		9 10 11 12 13 14	the errata sheet and date it. You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition. It is imperative that you
10 11 12 13 14		9 10 11 12 13 14 15	the errata sheet and date it. You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition. It is imperative that you return the original errata sheet to the
10 11 12 13 14 15		9 10 11 12 13 14 15	the errata sheet and date it. You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition. It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days
10 11 12 13 14 15 16 17		9 10 11 12 13 14 15 16	the errata sheet and date it. You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition. It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript
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Page 346	Page 348
1	1 LAWYER'S NOTES
ERRATA	² PAGE LINE
2	3
3	4
⁴ PAGE LINE CHANGE	5
5	
6 REASON:	7
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22 REASON:	
23	23
24 REASON:	24
Page 347	
² ACKNOWLEDGMENT OF DEPONENT	
3	
4 I,, do	
5 hereby certify that I have read the	
⁶ foregoing pages, 1 - 348, and that the	
7 same is a correct transcription of the	
8 answers given by me to the questions	
⁹ therein propounded, except for the	
10 corrections or changes in form or	
substance, if any, noted in the attached	
12 Errata Sheet.	
13	
14	
15	
16 SERGIO TEJEDA DATE	
17	
18	
¹⁹ Subscribed and sworn	
to before me this	
²⁰ , 20	
²¹ My commission expires:	
22	
Notary Public	
24	